



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1FW/18
AF
3629

In Re the Application of: Ogram

Serial #: 10/055,247

Filed: 01/22/2002

For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.

1475B.5A.4

Examiner:

Ruhl, Dennis William

Group:

3629

APPEAL BRIEF

37 C.F.R. 1.192, MPEP 1206

Honorable Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The following brief is filed in conjunction with the Notice of Appeal filed on August 23, 2005 (copy by Appendix).

FEES (37 CFR 1.17(B)(2))

Enclosed is check number 4338 for the amount of \$ 250.00 As computed below:

Appeal Brief	<u>\$ 250.00</u>
(X) Small Entity: \$250.00	
() Not Small Entity: \$ 500.00	
Oral Hearing	<u>\$ 0.00</u>
(X) Small Entity: \$500.00	
() Not Small Entity: \$ 1,000.00	
TOTAL	<u>\$ 250.00</u>

REAL PARTY OF INTEREST

The real party of interest in this appeal is Net MoneyIN Inc., an Arizona Corporation, as evidenced by the assignment recorded on reel/frame 012538/0714.

RELATED APPEALS AND INTERFERENCES

There are no other pending appeals or interferences on this application.

10/17/2005 HLE333 00000081 10055247

01 FC:2402

250.00 0P

STATUS OF CLAIMS

Claims 1-14 are the subject of this appeal. The examiner rejected claims 1-14 on June 9, 2005: hence, the claims on this appeal stand as:

Claim 1	rejected June 9, 2005; (independent)
Claim 2	rejected June 9, 2005; (dependent on claim 1)
Claim 3	rejected June 9, 2005; (dependent on claim 1)
Claim 4	rejected June 9, 2005; (dependent on claim 3)
Claim 5	rejected June 9, 2005; (independent)
Claim 6	rejected June 9, 2005; (dependent on claim 5)
Claim 7	rejected June 9, 2005; (dependent on claim 5)
Claim 8	rejected June 9, 2005; (dependent on claim 7)
Claim 9	rejected June 9, 2005; (independent)
Claim 10	rejected June 9, 2005; (dependent on claim 9)
Claim 11	rejected June 9, 2005; (dependent on claim 9)
Claim 12	rejected June 9, 2005; (independent)
Claim 13	rejected June 9, 2005; (dependent on claim 12)
Claim 14	rejected June 9, 2005; (dependent on claim 13)

STATUS OF AMENDMENTS

This application is a continuation of United States Patent application serial number 09/400,724, filed on September 21, 1999, and entitled "Financial System of Computers", which was a continuation of United States Patent application serial number 09/166,749, filed on October 5, 1998, and entitled "Financial System of Computers", now United States Patent number 5,963,917, which was a continuation of United States Patent application serial number 08/597,017, entitled, "An Improved Financial Transactions System" filed on February 5, 1996, now United States Patent number 5,822,737, issued on October 13, 1998.

The salient points in the present application's prosecution history are summarized below:

Application filed on 01/22/2002

Office Action dated 08/05/2002	Examiner Cosimano required terminal disclaimers relative to the parent patents and rejected claims 1-11 (35 USC 102(b) and (e)) citing Hynes Jr., Stark, the Edge Article, Teicher, Noblett, Chasek, Hill, Rosen, Hoffman et al Chelliah, Payne (5,715,314 or 5,909,492), Gifford, Manasse, and Sirbu.
--------------------------------	---

Response Filed 01/22/2003	Provided the required terminal disclaimers; made edits to independent claims 1, 5, and 9; and made arguments distinguishing the cited prior art (note, response lost by USPTO and was provided on July 10, 2003, by FAX)
---------------------------	--

Office Action dated 09/02/2003	Examiner Cosimano required terminal disclaimers and rejected claims 1-11 (35 USC 102(e)) citing Payne ('314 or '492)
--------------------------------	--

Response Filed 10/31/03	Edits made to independent claims 1, 5, and 9 showing the invention's re-connection of the consumer to the merchant.
-------------------------	---

Office Action dated 1/21/2004 Examiner Cosimano required terminal disclaimers and indicated allowance of the claims as then amended.

Response Filed 1/28/2004 Terminal Disclaimers provided to the Patent Office.

Office Action dated 06/09/2005 Examiner Ruhl rejected claims 1-14 (Final, 35 U.S.C. 102(e)) citing Payne '314.

Notice of Appeal Filed August 23, 2005

SUMMARY OF THE INVENTION

The invention of the present application relates to the interaction of a merchant computer with the financial processing computer. In this interaction, the financial processor is configured to automatically connect a customer computer to the merchant computer. The process of the preferred embodiment is shown best in figure 4B which illustrates the process of determining if the credit card payment is authorized or not, and then connecting the customer's computer to the merchant ("Return to Authorized URL 44P")

"The customer computer is then connected to the authorized URL 44P and the connection with the customer computer is terminated 44Q allowing the program to stop 43C." (Application, page 17, lines 2-4)

A further enhancement of the present application is the transmission of a password to the customer after the re-connection; thereby allowing the customer to have repeated later re-connections.

"The password is returned from memory 44L and it, together with the transaction identification, is transmitted to the customer computer" (Application, page 19, lines 9-11)

The claims set forth the invention (underline added):

- 1 1. A payment authorization system comprising:
 - 2 a) a computer network;
 - 3 b) a merchant computer containing promotional data, said merchant computer having automatic means for
4 communicating order information including an account number originating from a remote consumer computer via
5 said computer network; and,
 - 6 c) a financial processing computer, remote from said merchant computer, having,
 - 7 1) automatic means responsive to said order information for communicating, via said network of
8 computers, an authorization indication to said merchant computer, and,

9 2) means for connecting said remote consumer computer to a selected site within said merchant
10 computer in response to said authorization indicia.

1 3. The payment authorization system according to claim 1:

2 a) a customer computer remote to said merchant computer and said financial processing computer; and,

3 b) wherein said financial processing computer further includes automatic means for communicating a
4 password to said customer computer; and,

5 c) wherein said merchant computer further includes:

6 1) memory means containing secured data, and,

7 2) automatic means for transmitting the secured data to said customer computer in response to the
8 password from said customer computer.

1 5. An authorization system comprising:

2 a) a merchant computer having automatic means for communicating payment information via a computer
3 network , said payment information including an account number originating from a remote consumer computer;
4 and,

5 d) a remote financial processing computer generating an authorization indicia in response to said payment
6 information, and connecting the remote consumer computer to a selected site within said merchant computer in
7 response to said authorization indicia.

1 7. The authorization system according to claim 5:

2 a) wherein said financial processing computer further includes automatic means for communicating a
3 password to a remote computer; and,

4 b) wherein said merchant computer further includes means for transmitting secured data to a remote
5 computer in response to the password.

1 9. A system of computers comprising:

2 a) a merchant computer containing promotional data, said merchant computer having automatic means for
3 communicating order information including an account number originating from a remote consumer computer;

4 c) a computer, remote from said merchant computer having automatic means responsive to said order
5 information for communicating an authorization indica to said merchant computer, and connecting said remote
6 consumer computer to a selected site within said merchant computer .

1 11 The system of computers according to claim 9:

2 a) wherein said financial processing computer further includes automatic means for communicating a
3 password to said customer computer; and,

4 b) wherein said merchant computer further include secured data, and, means for transmitting the secured
5 data to a remote computer in response to the password.

1 12. A payment authorization system comprising:

2 a) a computer network; and,

3 b) a financial processing computer having,

4 1) means for establishing an authorization indicia in response to an account number and amount
5 received via said computer network, , and,

6 2) means for selectively connecting a consumer computer to a selected site within a merchant
7 computer.

1 13. The payment authorization system according to claim 12, wherein said financial processing computer
2 further includes means for communicating a password to said consumer computer via said computer network.

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

The examiner has rejected claims 1-14 under 35 U.S.C. 102(e), "Final".

EXAMINER'S POSITION

Examiner Ruhl has taken the position that Payne ('314) anticipates (and by extension teaches) the claims at issue. Examiner Ruhl states that Payne ('314) has:

"The means for connecting the consumer computer to a selected site within the merchant computer is disclosed in column 7, lines 31-39 where it is disclosed that the financial computer sends a "redirect to access URL" to the consumer computer after authorization of the purchase is confirmed. The URL is a link that connects the consumer computer to a site in the merchant computer so that the merchant computer knows that the payment has been completed and the user is authorized to view the purchase article." (Office Action , 06/09/2005, Page 3, lines 2-8)

The actual reference used by Examiner Ruhl within Payne ('314) states:

"The payment computer then sends a redirect to access URL to the buyer computer (step 90) which sends the URL to the merchant computer (step 92). The merchant computer verifies whether the access URL authenticator was created from the contents of the access URL using the cryptographic key (step 94). If not, the merchant computer sends a document to the buyer computer indicating that access to the product is denied (step 96)"

ISSUES

The issue before the Board of Appeals is if the rejection of claims 1-14 under 35 U.S.C. 102(e) citing Payne '314 is proper.

ARGUMENT

35 U.S.C. 102(E) Citing Payne '314 issue: Examiner Ruhl relies upon the following passage as support for the contention that the customer is automatically re-connected with the merchant within Payne ('314):

"The payment computer then sends a redirect to access URL to the buyer computer (step 90) which sends the access URL to the merchant computer (step 92). The merchant computer verifies whether the access URL authenticator was created from the contents of the access URL using the cryptographic key (step 94). If not, the merchant computer sends a document to the buyer computer indicating that access to the product is denied (step 96)" (Payne '314 col. 7, lines 31-39, underline added)

Payne is a very simple concept as it attempts to accomplish a single objective, to provide a mechanism which allows the merchant to receive an order which is not forgable.

"The invention provides a simple design architecture for the network sales system that allows the merchant computer to respond to payment orders from the buyer computer without the merchant computer having to

communicate directly with the payment computer to ensure that the user is authorized to purchase the product and without the merchant computer having to store information in a database regarding which buyers are authorized to purchase which products.” (Payne, ‘314, col. 2, lines 3-11)

This objective of Payne is accomplished using an “access message” which serves as a ticket or receipt for the product:

“... when the merchant computer receives an access message from the buyer computer identifying a product to be purchased, the merchant computer need only check the access message to ensure that it was created by the payment computer.” (Payne, ‘314, col. 2, lines 11-15)

The “access message” is sent by the customer to the merchant as a “ticket” or “receipt” for the product that is to be delivered.

While Payne does use the term URL (universal resource locator), the use of the term URL is not intended to mean a “linkage” or “connection”, rather, URL is used only as a reference to identify the product which is sought:

“The user browses through the advertising document and eventually requests a product (step 32). This results in the buyer computer sending payment URL A to the payment computer (step 34). Payment URL A includes a product identifier that represents the product the user wishes to buy.” (Payne, ‘314, col. 5, lines 27-29)

Note, the “Payment URL” is not a linkage identifier between the customer and the payment computer, it is rather “... a product identifier...”.

In like fashion, the payment computer and the merchant computer utilize a “payment URL authenticator” to identify the product being sought and how long the product is to be made available to the customer:

“The payment URL authenticator is a has of other information in the payment URL, the has being defined by a key shared by the merchant and the operator or the payment computer.” (Payne, ‘314, col. 5, lines 44-46)

Examiner Ruhl failed to properly read the referenced section of Payne. Payne ‘314 does not indicate that the “buyer computer” is reconnected to the “merchant computer” by the “payment computer”! Rather, the passage clearly states that

“... the buyer computer ... sends the URL to the merchant computer...” (Payne ‘314, Col. 7, lines 32-33; underline added)

A re-connection is not sent, it is done. A re-connection is not even contemplated; Payne clearly is passing messages and not re-connecting, otherwise, why would Payne include such items as (Payne ‘314, col. 5, lines 23-42):

“...a product identifier that represents a product the user wishes to buy..” (a re-connection doesn’t need to know the product)

“...a domain identifier that represent a domain of products to which the desired product belongs...” (why would this be used in a re-connection?)

“... a payment amount that represents the price of the product...” (The pricing of the product is not important if there is to be a re-connection)

“...a merchant computer identifier that represents merchant computer 14 ...” (If the URL was a re-connection link, then this information is already in the URL)

“... a merchant account identifier that represents the particular merchant account to be credited with the payment amount...” (re-connection has nothing to do with the merchant’s bank account)

“ ... a duration time that represents the length of time for which access to the product is to be granted to the user after completion of the purchase transaction...” (not used for any type of re-connection or linkage process)

“ ...an expiration time that represents a deadline beyond which this particular payment URL cannot be used...” (the use of an expiration is not germane to any type of re-connection or linkage)

“... a payment URL authenticator that is a digital signature based on a cryptographic key...” (why would a re-connection need a cryptographic key?)

While none of these elements of the Payment URL are usable or required in any sort of re-connection/linkage, they all have a business purpose of serving to assist the merchant in making sure the proper product is delivered during the proper time frame to the proper customer.

The connection with the “merchant computer” is initiated and made by the “buyer computer”; and, why is this done, because the “access URL” is not a re-connection between the two computer but rather a “pass” or “ticket” which is used repeatedly by the “buyer computer” and is passed to the “merchant computer” similar to the use of bus pass in the real world. Simply look at the contents of “access URL”:

“... the payment computer creates an access URL (step 80) that includes a merchant computer identifier, a domain identifier, a product identifier, an indication of the end of the duration time for which access to the product is to be granted, the buyer network address, and an access URL authenticator that is a digital signature based on a cryptographic key.” (Payne, ‘314, Col. 7, lines 19-25, underline added)

Payne is a “ticket” or “receipt” :

“This is done because the buyer computer can request access to a purchased product repeatedly.” (Payne ‘314, col. 7, lines 42-43)

At each use by the “buyer computer” to gain access to the product, access to the “payment computer” is not required; hence, the “access URL” is simply a “ticket”, not a re-connection as the present invention clearly claims in the independent claims.

Even in the alternative embodiment discussed in Payne, (where the “Merchant Computer” interacts with the “Payment Computer”, the “Payment Computer” simply provides:

“... the payment computer sends a payment confirmation document to the buyer computer, the payment confirmation document including an “open” link and a “continue” link (step 44).” (Payne ‘314, col. 6, lines 5-8)

A full analysis of Payne on this point was provided by Examiner Cosimano when he said:

“A) the prior art, for example, either Payne et al (5,715,314 or 5,909,492) disclose a payment/settlement system in which an user at a consumer computer communicates via a computer network with a merchant computer. When the user wishes to purchase an item, the consumer computer communicates payment information for user’s order to a remotely located payment processing center via the network. The payment processing center then requests an authorization indicia from a financial processing computer. Once the payment processing computer receives the authorization indicia, the payment processing computer sends an indication of the authorization to the merchant. Once the indication of the authorization has been received by the merchant, the merchant releases the ordered items to the customer based on the procedure established by the terms of the transaction.

B) however in regard to claims 1, 5, 9 & 12, the prior art does not teach or suggest that the remote authorization computer would connect the customer computer to a selected site in the merchant computer in response to the authorization indicia.” (USPTO Serial No. 10/055,247, Office Action dated 1/21/2004, page 4, lines 13-26, underline added)

Clearly, the claims cannot be anticipated by Payne as Payne teaches the use of a ticket that can be used repeatedly and is “handed in” by the customer, not by the processing computer.

The next question that must be addressed is if Payne is able to teach or suggest the claims to one of ordinary skill in the art.

First, Payne is completely silent as to any control on the re-connection; Second, Payne’s function is to create a “ticket” so that access can be granted.

The concept of re-connecting the “buyer” and the “merchant “ computers is alien to Payne. Even in the alternative embodiment discussed in Payne, (where the “Merchant Computer” interacts with the “Payment Computer”, the “Payment Computer” simply provides:

“... the payment computer sends a payment confirmation document to the buyer computer, the payment confirmation document including an “open” link and a “continue” link (step 44).” (Payne ‘314, col. 6, lines 5-8)

The present invention provides not only an automated initial re-entry into the merchant’s site (claims 1 and 7) but also provided for successive “visits” by the “buyer”/customer through the use of a password (claims 2 and 9) which Payne is incapable of teaching or suggesting.

The teachings of Payne are directed solely to the creation of a ticket; no automatic re-connections are possible. One of ordinary skill in the art would not abandon the “ticket” teachings to arrive at the present claims.

Even further Payne does not address the transmission of a password. Payne is silent on this issue because in Payne’s mind, Payne is creating a “ticket” as discussed above and this serves the entire process that Payne is attempting.

PRAYER/REQUEST

It is respectfully requested that Claims 1-14 be allowed and advanced to issuance.

REQUEST FOR ORAL HEARING:

An oral hearing is not requested.

Appeal Brief
Serial No. 10/055,247
Page 10

ENCLOSURES

- 1) Notice of Appeal dated 08/23/2005
- 2) Claims at issue
- (3) Office Action dated 08/05/2002
- (4) Response dated 1/22/2003 to the Office Action dated 08/05/2002
- (5) Office Action dated 09/02/2003
- (6) Response dated 10/31/03 to the Office Action dated 09/02/2003
- (7) Office Action dated 01/21/2004
- (8) Response dated 01/28/2004 to the Office Action dated 01/21/2004
- (9) Notice of Appeal Dated 08/25/2005
- (10) Copy of Patent Application as filed with Filing Receipt
- (11) United States Patent number 5,715,314, issued February 3, 1998, to Payne

Respectfully Submitted,



Mark E. Ogram
Attorney at Law
Reg. No. 30343

Date: Oct. 11, 2005

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA. 22313-1450, on Oct 11, 2005, 2005.



Mark E. Ogram Reg. No. 30343

Oct. 11, 2005
Date

Appeal Brief
Serial No. 10/055,247
Page 12

EVIDENCE APPENDIX

None

Appeal Brief
Serial No. 10/055,247
Page 13

RELATED PROCEEDINGS APPENDIX

None

HISTORICAL APPENDIX

- 1) Notice of Appeal
- 2) Claims at issue
- (3) Office Action dated 08/05/2002
- (4) Response dated 1/22/2003 to the Office Action dated 08/05/2002
- (5) Office Action dated 09/02/2003
- (6) Response dated 10/31/03 to the Office Action dated 09/02/2003
- (7) Office Action dated 01/21/2004
- (8) Response dated 01/28/2004 to the Office Action dated 01/21/2004
- (9) Notice of Appeal Dated 08/25/2005
- (10) Copy of Patent Application as filed with Filing Receipt
- (11) United States Patent Number 5,715,314, issued February 3, 1998, to Payne

APPENDIX 2

1 1. A payment authorization system comprising:

2 a) a computer network;

3 b) a merchant computer containing promotional data, said merchant computer having automatic means for
4 communicating order information including an account number originating from a remote consumer computer via
5 said computer network; and,

6 c) a financial processing computer, remote from said merchant computer, having,

7 1) automatic means responsive to said order information for communicating, via said network of
8 computers, an authorization indicia to said merchant computer, and,

9 2) means for connecting said remote consumer computer to a selected site within said merchant computer in
10 response to said authorization indicia.

1 2. The payment authorization system according to claim 1, wherein said merchant computer further
2 includes automatic means for generating a shipping order in response to said authorization indicia.

1 3. The payment authorization system according to claim 1:

2 a) a customer computer remote to said merchant computer and said financial processing computer; and,

3 b) wherein said financial processing computer further includes automatic means for communicating a
4 password to said customer computer; and,

5 c) wherein said merchant computer further includes:

6 1) memory means containing secured data, and,

7 2) automatic means for transmitting the secured data to said customer computer in response to the
8 password from said customer computer.

1
2 4. The payment authorization system according to claim 3, wherein said password and said authorization indicia are communicated to said customer computer via said merchant computer.

1
2 5. An authorization system comprising:

3 a) a merchant computer having automatic means for communicating payment information via a computer
4 network, said payment information including an account number originating from a remote consumer computer;
5 and,

6 d) a remote financial processing computer generating an authorization indicia in response to said payment
7 information, and connecting the remote consumer computer to a selected site within said merchant computer in response to said authorization indicia.

1
2 6. The authorization system according to claim 5, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.

1
2 7. The authorization system according to claim 5:

3 a) wherein said financial processing computer further includes automatic means for communicating a
4 password to a remote computer; and,

5 b) wherein said merchant computer further includes means for transmitting secured data to a remote computer in response to the password.

1
2 8. The authorization system according to claim 7, wherein said password and said authorization indicia are communicated to the remote computer via said merchant computer.

BEST AVAILABLE COPY

1 9. A system of computers comprising:

- 2 a) a merchant computer containing promotional data, said merchant computer having automatic means for
3 communicating order information including an account number originating from a remote consumer computer;
4 c) a computer, remote from said merchant computer having automatic means responsive to said order
5 information for communicating an authorization indicia to said merchant computer, and connecting said remote
6 consumer computer to a selected site within said merchant computer .

1 10 The system of computers according to claim 9, wherein said merchant computer further includes
2 automatic means for generating a shipping order in response to said authorization indicia.

1 11 The system of computers according to claim 9:

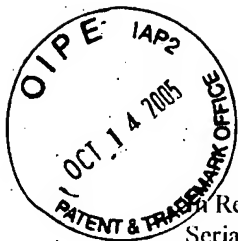
- 2 a) wherein said financial processing computer further includes automatic means for communicating a
3 password to said customer computer; and,
4 b) wherein said merchant computer further include secured data, and, means for transmitting the secured
5 data to a remote computer in response to the password.

1 12. A payment authorization system comprising:

- 2 a) a computer network; and,
3 b) a financial processing computer having,
4 1) means for establishing an authorization indicia in response to an account number and amount
5 received via said computer network, , and,
6 2) means for selectively connecting a consumer computer to a selected site within a merchant
7 computer.

1 13. The payment authorization system according to claim 12, wherein said financial processing computer
2 further includes means for communicating a password to said consumer computer via said computer network.

1 14. The payment authorization system according to claim 13, wherein said financial processing computer
2 further includes means for communicating said authorization indicia to said consumer computer via said computer
3 network.



Attachment 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Ruhl, Dennis William
Group 3629

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES 35 U.S.C. 134 (MPEP 1205)

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated June 9, 2005 rejecting the following claims: 1-14.

FEE:

The fee for this Notice of Appeal is computed as follows and is paid by check number 4325:

Notice of Appeal (37 CFR 1.17(b)(1))

\$ 250.00

(X) Small Entity \$ 250.00

() Not a Small Entity \$ 500.00

SMALL ENTITY:

A verified statement of small entity status under 37 CFR 1.27:

() Is enclosed

(X) Has already been filed in this application

APPEALED CLAIMS:

The claims which are presented in this appeal are: 1-14.

SIGNATURE:

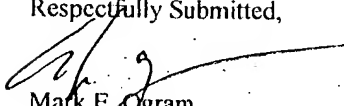
The undersigned is:

() Applicant

() Assignee of the entire interest

(X) Attorney of Record

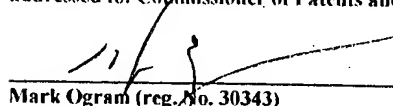
Respectfully Submitted,


Mark E. Ogram
Attorney at Law
Reg. No. 30343

Date: Aug 23, 2005

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on 8/23, 2005.


Mark Ogram (reg. No. 30343)

Date: 8/23/2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Attachment 3

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,247	01/22/2002	Mark Ellery Ogram	1475B.5A.4	9185

7590

08/05/2002

Mark E. Ogram
Ste. 203
7454 E. Broadway
Tucson, AZ 85710

EXAMINER

COSIMANO, EDWARD R

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

FAX COVER SHEET

GROUP 3629

DATE: August 13, 2002
TO: Representative Ogram (re. S.N. 10/055,247)
Company: N/A
Fax Number: (520) 574-3398

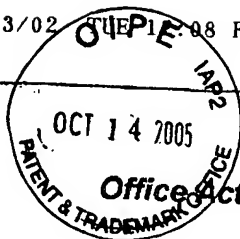
From: Examiner Cosimano Group 3629

Phone: (703) 305-9783

Number of sheets including this sheet: 08

Mr. Ogram here is the copy of the last office action mailed August 05, 2002 in the above identified application that you requested.

If you have a problem with the transmission of this fax, then please contact the sender.



Office Action Summary

Application No. 10/055,247	Applicant(s) OGRAM, MARK ELLERY	
Examiner Edward R. Cosimano	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s): _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 10/055,247
Art Unit: 3629

Page 2

1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.

2. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the continuing data on page 1;

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. See applicant's use of web address in:

(1) the paragraph at page 7, lines 15-18, "By selective use of the URL ... is: <http://merchant.com.widget>."; and

(2) the paragraph at page 7, lines 19-22, "When the merchant is selling ... is: <http://merchant.com.widget/blue>."

Hence, applicant should delete the <http://> from page 7, lines 18 & 22.

Appropriate correction is required.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

4. Claims 1-11 are provisionally rejected under the judicially created doctrine of double patenting over:

A) claims 1-5 & 7-10 of copending Application No. 09/400,724; or

B) claims 1-13 of copending Application No. 09/654,339.

Application/Control Number: 10/055,247
Art Unit: 3629

Page 3

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

4.1. Claims 1-11 are rejected under the judicially created doctrine of double patenting over:

A) claims 1-26 of U. S. Patent No. 5,822,737; or

B) claims 1-7 of U. S. Patent No. 5,963,917; or

C) claims 1-7 of U. S. Patent No. 6,381,584;

since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

4.2 The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

A) a computer network;

B) a merchant computer, which perform the same functions in either the patents or applications; and

C) a financial/settlement/payment computer, which perform the same functions in either the patents or applications.

4.3 The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 38, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4.4 A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Application/Control Number: 10/055,247
Art Unit: 3629

Page 4

4.5 Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(102(e) only) The changes made to 35 U.S.C. § 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. § 122(b). Therefore, this application is examined under 35 U.S.C. § 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

5.1 Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by either Hynes, Jr. (3,798,602) or Stark (4,775,784) or the EDGE article or Teicher (5,206,488) or Noblett, Jr. et al (5,334,823).

5.2 Claims 1-11 are rejected under 35 U.S.C. § 102(a) as being clearly anticipated by either Chasek (5,420,405) or Hills et al (5,484,988).

5.3 Claims 1-11 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by either Rosen (5,557,518 or 5,671,280 or 5,703,949 or 5,878,139) or Hoffman et al

Application/Control Number: 10/055,247
Art Unit: 3629

Page 5

(5,613,012) or Chelliah et al (5,710,887) or Payne et al (5,715,314 or 5,909,492) or Gifford (5,724,424) or Manasse (5,802,497) or Sirbu et al (5,809,144).

5.4 In regard to claims 1-11, either Hynes, Jr. ('602) or Stark ('784) or the EDGE article or Teicher ('488) or Noblett, Jr. et al ('823) or Chasek ('405) or Hills et al ('988) or Rosen ('518 or '280 or '949 or '139) or Hoffman et al ('012) or Chelliah et al ('887) or Payne et al ('314 or '492) or Gifford ('424) or Manasse ('497) or Sirbu et al ('144), disclose a payment/settlement system in which a merchant uses a computer network to communicate payment information for customer's order to a remotely located financial processing center. The processing center then makes a determination of whether or not to authorize the payment and sends an indication of the authorization to the merchant. Once the indication of the authorization has been received by the merchant, the merchant releases the ordered items to the customer based on the procedure established by the terms of the transaction.

6. The prior art cited in the parent applications has been considered by the examiner.

6.1 The examiner has cited prior art of interest, for example:

A) Koch et al (WO 97/46961), which discloses a centralized location for producing a payment authorization indicia based on payment information sent from a remote location.

7. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

Application/Control Number: 10/055,247

Art Unit: 3629

Page 6

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

8.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

8.2 The fax phone number for OFFICIAL FAXES is (703) 305-7687.

8.3 The fax phone number for AFTER FINAL FAXES is (703) 308-3691.

07/27/02

Edward Cosimano
Edward R. Cosimano
Primary Examiner A.U. 3629

Notice of References Cited

Application/Control No.

10/055,247

Applicant(s)/Patent Under
Reexamination
OGRAM, MARK ELLERY

Examiner

Edward R. Cosimano

Art Unit

3629

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,798,602	03-1974	Hynes, Jr.	340/5.4
	B	US-4,775,784	10-1988	Stark	235/380
	C	US-5,334,823	08-1994	Noblett, Jr. et al	235/380
	D	US-5,484,988	01-1996	Hills et al	235/379
	E	US-5,613,012	03-1997	Hoffman et al	382/115
*	F	US-5,822,737	10-1998	Orgam	705/26
*	G	US-5,983,917	10-1999	Ogram	705/26
*	H	US-6,381,584	04-2002	Ogram	705/26
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 97/48961	12-1997	WIPO	Koch et al	
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"US SPRINT WIN: SIGNS WITH CHEVRON INFORMATION TECHNOLOGY CO. FOR DATA SERVICES"; EDGE, on & about AT&T, 11 February 1991, vol. 6, no. 133.
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Attachment 4

MARK E. OGRAM, attorney at law

.....

FACSIMILE COVER SHEET

TO: Examiner Cosimmo

FAX # 703-305-3597

FROM: Mark Ogram

TIME 11:00

DATE: 7/10/03

DOCKET 147TSJA.4

DESCRIPTION Copy of Amendment A

NO. OF PAGES 27

NOTES:

S/N - 10/055,247

PHONE: 520-574-3399

FAX: 520-574-3398

E-MAIL: MarkOgram@yahoo.com

INVENTOR: Ogram
For Air Monitoring System & Computers

DocId # 14751354

Amendment A
Per for Extension of Time
Payment
DATED / Repayment Aug 1, 9, 22-25
Termine / Disclaim





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Cosimano, Edward
Group: 3629

AMENDMENT A

37 C.F.R. 1.115

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 08/05/2002, please make the following amendments and note the corresponding remarks.

Enclosures:

- (1) Petition for Extension of Time;
- (2) Payment, check number 4000 for the amount of \$ 630.00;
- (3) Edited Page 1;
- (4) Replacement Page 1;
- (5) Edited Page 7;
- (6) Replacement Page 7;
- (7) Terminal Disclaimer USP 5,822,737 (with copy);
- (8) Terminal Disclaimer USP 5,963,917 (with copy);
- (9) Terminal Disclaimer USP 6,381,584 (with copy);
- (10) Edited Pages 22-25; and,
- (11) Replacement Pages 22-25.

Fee Calculation:

Petition for Extension of Time	\$ 465.00
Terminal Disclaimer USP 5,822,737	\$ 55.00
Terminal Disclaimer USP 5,963,917	\$ 55.00
Terminal Disclaimer USP 6,381,584	\$ 55.00

TOTAL \$ 630.00

REMARKS

Claims 1-11 were pending before the examiner. The examiner has rejected all of the claims. By this amendment, edits have been made in the independent claims. These edits are noted in the enclosed pages 22 to 25 showing the edits; the examiner's assistance in having these edits applied is appreciated. Also enclosed are

Amendment A
Serial No. 10/055,247
Page 2

replacement pages 22 to 25 which apply these edits.

The acceptance of the drawings is noted.

The changes to the patent practice and procedure as described by the Federal Register, Vol 62 and 65 are noted and full compliance therewith is attempted.

The examiner has objected to the specification noting a required up-date to page 1 and the removal of the hyper-link on page 7.

Enclosed herewith are Edited Pages for page 1 and 7 showing the edits which have been made to the specification in response to the examiner's objections. Also enclosed herewith are Replacement pages 1 and 7 which incorporate these edits. The examiner's assistance in correcting the specification as indicated is requested.

The specification and drawings have been reviewed for typographical and grammatical errors. Any such errors have been herein corrected.

The examiner has provisionally rejected claims 1-11 under the Judicially created Doctrine of Double Patenting relative to co-pending applications 09/400,724 and 09/654,339.

As the examiner notes, this is a provisional rejection and relating to two co-pending applications. Should these applications result in patents, then applicant will file a Terminal Disclaimer, thereby rendering the Judicially Doctrine of Double Patenting moot.

The examiner has rejected claims 1-11 under the Judicially created Doctrine of Double Patenting citing United States Patent number 5,822,737, United States Patent number 5,963,917, and United States Patent number 6,381,584.

By this Amendment, applicant has filed a terminal disclaimer, with payment, for each of these patents. These terminal disclaimers render the Judicially created Doctrine of Double Patenting moot.

The examiner has rejected claims 1-11 under 35 U.S.C. 102(b) citing Hynes or Stark or the Edge article, or Teicher, or Noblett.

By this amendment, the independent claims have been amended to include the limitation:

"... including an account number originating from a remote consumer computer which is unmolested by said merchant computer ..." (Claim 1, lines 5-6; similar language: claim 5, lines 3-

6; and claim 9, lines 4-5)

This limitation clearly shows that the collection of the accounting information is created at two separate and distinct locations: the customer's computer; and, the merchant computer. Having the account information originating from the customer's computer (which is remote from the merchant), is the anti-thesis of the traditional methodology where the merchant has absolute control and authority in establishing the data group used for the "charge". This technology has remained unchanged since the beginning of history.

The very art cited by the examiner is indicative of the "mentality" used in the prior art. In each and every case, the merchant maintains the authority in the collecting process:

"... an increasingly important and burdensome problem has been the need for merchants at points of sale to be able to readily determine the status of "credit worthiness" of a credit card. ...merchants must be able to know whether or not a customer who presents a credit account number or a credit card" (Hynes Jr.; col. 1, lines 14-20, underline added)

"...retail merchants ... are required to verify with remote authorization centers whether the credit card holder has a sufficient line of credit for the transaction.... the authorization terminal is utilized to read the account number information on the credit card and establish communications with the remote authorization processing center..." (Stark; col. 1, lines 20-32; underline added)

"... a credit card system, and particularly to one which includes a plurality of card readers at various locations..." (Teicher; col. 1, lines 8-10, underline added)

The EDGE article, and Noblett Jr. all approach the processing model without any modification except to increase the ease, speed, or accuracy of the merchant's activity. None of these references contemplate the present invention's bifurcation of the charging task.

Further, the question arises, would one of "ordinary skill in the art" fly in the face of the historically consistent approach where the merchant collects all billing information? Would "one of ordinary skill in the art" develop a system which increases the anxiety (caused by lack of control of the process) of the very user (the merchant) that every single one of these references are directed towards calming? Clearly the answer is NO.

Based upon the above, it is respectfully submitted that claims 1-11 (as amended), are not anticipated by Hynes Jr., Stark, the EDGE article, Teicher, or Noblett Jr.; further it is respectfully submitted that claims 1-11, as amended, cannot be taught or suggested by Hynes Jr., Stark, the EDGE article, Teicher, or Noblett Jr, whether taken singly or in any combination.

The examiner has rejected claims 1-11 under 35 U.S.C. 102(a) citing either Chasek or Hills.

As noted earlier, the independent claims have been modified to clearly identify a component of the invention in which the control (completion) of the transaction is removed from the vendor and placed with the customer's remote computer.

"... The packet is created at the point-of-sale and incorporates all of the information needed to completely consummate, or settle, each transaction..." (Chasek; col. 1, line 46-50; underline added)

"A point of sale system designed to read information from a consumer's check, credit card, or manual input with a subsequent debiting of a consumer's account and crediting a merchant's account..." (Hills; Abstract, lines 1-3; underline added)

Not only do these references not anticipate the claims as now amended, but, further, the question continues, with all of this activity in this field, and with no changes whatsoever in the underlying methodology, would "one of ordinary skill in the art" see the opportunity as claimed? Again, the only answer is NO.

Based upon the above, it is respectfully submitted that claims 1-11, as amended, are not anticipated by either Chasek or Hills; further, it is respectfully submitted that these claims are not taught or suggested by either Chasek or Hills, whether these references are taken singly or in combination.

The examiner has rejected claims 1-11 under 35 U.S.C. 102(e) citing Rosen ('518, '280, '949, or '139) or

Hoffman, or Chelliah, or Payne ('314 or '492), or Gifford, or Manasse, or Sirbu.

The examiner continues to provide an undisturbed trail of references which accept and perpetuate the traditional underlying methodology used for credit card transactions (or credit card-type of transactions). This fact is best illustrated by the Rosen '518:

"... the present invention introduces trusted agents 2,4 for both the customer and merchant ..." (co. 4, lines 8-9; underline added)

Rosen '518, retains the basic structure and simply adds a "strawman" for the customer and merchant. Rosen '518 simply utilizes the same principle that has been around since the corner grocer put the purchases on "tab" for the customer. The merchant controls the entire situation.

This approach is true for the other Rosen references. While Hoffman, Chelliah, Payne, Gifford, Manasse, and Sirbu deal with their perceived problems in their unique ways, none of them develop systems which would violate the underlying principle discussed above for the other references.

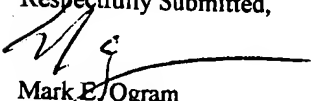
It is clear from the forgoing that claims 1-11, as amended, are not anticipated, nor are they taught or suggested by Rosen ('518, '280, '949, or '139) or Hoffman, or Chelliah, or Payne ('314 or '492), or Gifford, or Manasse, or Sirbu, whether taken singly or in any combination.

The fact that examiner has considered the prior art from the parent applications is noted.

Also noted is the inclusion of the other references from the examiner. These references have been reviewed and are not felt to cure the pronounce problems with the references already discussed.

Based upon the above, it is respectfully submitted that claims 1-11, as now amended, are allowable and should be advanced to issuance.

Respectfully Submitted,


Mark E. Ogram
Attorney at Law
Reg. No. 30343

Date: 1/22/2003

Amendment A
Serial No. 10/055,247
Page 6



CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on JAN 22, 2003.

Mark Ogram
Mark Ogram (reg. No. 38343)

1/22/2003
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram

Serial #: 10/055,247

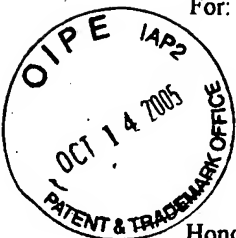
Filed: 01/22/2002

For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4

Examiner: Cosimano, Edward

Group: 3629



PETITION AND FEE FOR EXTENSION OF TIME (37 CFR 1.136(a))

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

1. This is a petition for an extension of time for a total period of 3 months to February 5, 2003 to allow applicant to file a response to the Office Action dated 08/05/2002.

2. A response in connection with the matter for which this extension is requested:
(X) Is filed herewith () has been filed

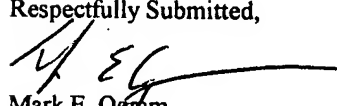
1. Applicant is:
(X) A small entity. A statement
() Is attached
(X) was already filed

1. Calculation of extension fee (37 CFR 1.17(a)(1)-(5)):	FEE: <u>\$ 465.00</u>
<u>EXTENSION</u>	(X) <u>SMALL ENTITY</u> () <u>NOT SMALL ENTITY</u>
() One Month	\$ 55.00 \$ 110.00
() Two Months	\$ 205.00 \$ 410.00
(X) Three Months	\$ 465.00 \$ 930.00

2. Extended period for response: Based upon the extension requested in this petition, the extended period for response will expire on February 5, 2003.

3. Fee Payment: Attached is check number 4000 for the amount of \$ 465.00.

Respectfully Submitted,


Mark E. Ogram
Attorney at Law
Reg. No. 30343

Date: 1/22/03

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 1/22 2003.


Mark E. Ogram Reg. No. 30343

Date: Jan 22, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram

Serial #: 10/055,247

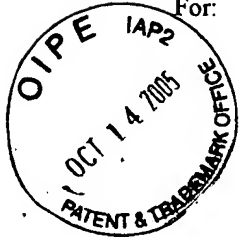
Filed: 01/22/2002

For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4

Examiner: Cosimano, Edward

Group: 3629



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))

United States Patent number 6,381,584

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

I, Mark E. Ogram, represent that I am:

- ☐ an inventor of the above identified invention;
- ☐ an assignee of the above identified invention;
- ☒ a representative authorized to sign on behalf of the assignee of the above identified invention;
- ☐ the attorney of record for the above identified invention.

Identity of Assignee and Title of Disclaimant:

The assignee is:

Name: Net MoneyIN Inc.
Address: 8040 S. Kolb Rd.
Tucson, Arizona 85706

Title of disclaimant authorized
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 012538/0714

Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention;
- ☐ A sectional interest in this invention, as follows: _____

Disclaimer (37 CFR 1.321(a) and (b)):

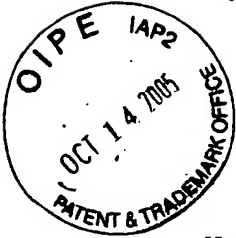
The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- ☒ United States Patent number 6,381,584, as presently shortened by any terminal disclaimer;
- ☐ Any patent granted on application number _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Cosimano, Edward
Group: 3629



TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))
United States Patent number 5,822,737

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

- I, Mark E. Ogram, represent that I am:
- ☐ an inventor of the above identified invention;
 - ☐ an assignee of the above identified invention;
 - ☒ a representative authorized to sign on behalf of the assignee of the above identified invention;
 - ☐ the attorney of record for the above identified invention.

Identity of Assignee and Title of Disclaimant:

The assignee is:

Name: Net MoneyIN Inc.
Address: 8040 S. Kolb Rd.
Tucson, Arizona 85706

Title of disclaimant authorized
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 012538/0714

Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention;
- ☐ A sectional interest in this invention, as follows: _____

Disclaimer (37 CFR 1.321(a) and (b)):

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- ☒ United States Patent number 5,822,737, as presently shortened by any terminal disclaimer;
- ☐ Any patent granted on application number _____

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

- (X) United States Patent number 5,822,737, as presently shortened by any terminal disclaimer;
() Any patent granted on application number _____

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- (X) United States Patent number 5,822,737 as presently shortened by any terminal disclaimer;
() Any patent granted on application number _____

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fees:


The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

- () Other than a small entity: \$ 110.00
(X) Small Entity \$ 55.00
() A verified small entity statement is attached
(X) A verified small entity statement was filed
on January 22, 2002

Attached is check number 4000 For the amount \$ 55.00

A duplicate of this disclaimer is attached.

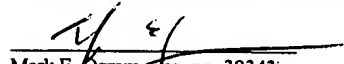
Respectfully Submitted,


Mark E. Ogram
Attorney at Law (Reg. No. 30343)

Date: 1/22/03

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on Jan 22, 2003


Mark E. Ogram, Reg. no. 30343

Date 1/22/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram

Serial #: 10/055,247

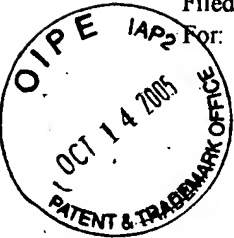
Filed: 01/22/2002

For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4

Examiner: Cosimano, Edward

Group: 3629



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))

United States Patent number 5,963,917

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

I, Mark E. Ogram, represent that I am:

- ☐ an inventor of the above identified invention;
- ☐ an assignee of the above identified invention;
- ☒ a representative authorized to sign on behalf of the assignee of the above identified invention;
- ☐ the attorney of record for the above identified invention.

Identity of Assignee and Title of Disclaimant:

The assignee is:

Name: Net MoneyIN Inc.
Address: 8040 S. Kolb Rd.
Tucson, Arizona 85706

Title of disclaimant authorized
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 012538/0714

Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention;
- ☐ A sectional interest in this invention, as follows: _____

Disclaimer (37 CFR 1.321(a) and (b)):

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- ☒ United States Patent number 5,963,917, as presently shortened by any terminal disclaimer;
- ☐ Any patent granted on application number _____

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

- (X) United States Patent number 5,963,917, as presently shortened by any terminal disclaimer;
() Any patent granted on application number _____

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- (X) United States Patent number 5,963,917 as presently shortened by any terminal disclaimer;
() Any patent granted on application number _____

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fees:

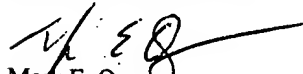
The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

- | | | |
|-----|--|-----------|
| () | Other than a small entity: | \$ 110.00 |
| (X) | Small Entity | \$ 55.00 |
| () | A verified small entity statement is attached | |
| (X) | A verified small entity statement was filed on <u>January 22, 2002</u> | |

Attached is check number 4000 For the amount \$ 55.00

A duplicate of this disclaimer is attached.

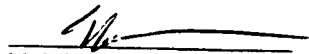
Respectfully Submitted,


Mark E. Ogram
Attorney at Law (Reg. No. 30343)

Date: Jan 22, 2003

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 1/22, 2003


Mark E. Ogram, reg. no. 30343

1/22/2003
Date

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

- (X) United States Patent number 6,381,584, as presently shortened by any terminal disclaimer;
() Any patent granted on application number _____

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- (X) United States Patent number 6,381,584 as presently shortened by any terminal disclaimer;
() Any patent granted on application number _____

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fees:


The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

- () Other than a small entity: \$ 110.00
(X) Small Entity \$ 55.00
() A verified small entity statement is attached
(X) A verified small entity statement was filed
on January 22, 2002.

Attached is check number 4000 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

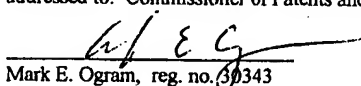
Respectfully Submitted,


Mark E. Ogram
Attorney at Law (Reg. No. 30343)

Date: 1/22/02

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on Jan 22, 2003


Mark E. Ogram, reg. no. 30343

Date 1/22/03

Replacement Page

What is claimed is:

1. A payment authorization system comprising:
 - a) a computer network;
 - b) a merchant computer containing promotional data, said merchant computer having automatic means for communicating order information including an account number originating from a remote consumer computer which is unmolested by said merchant computer via said computer network; and,
 - c) a financial processing computer, remote from said merchant computer having automatic means responsive to said order information for communicating, via said network of computers, an authorization indicia to said merchant computer.
2. The payment authorization system according to claim 1, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.
3. The payment authorization system according to claim 1:
 - a) a customer computer remote to said merchant computer and said financial processing computer; and,
 - b) wherein said financial processing computer further

includes automatic means for communicating a password to said customer computer; and,

c) wherein said merchant computer further includes:

1) memory means containing secured data, and,

2) automatic means for transmitting the secured data to said customer computer in response to the password from said customer computer.

4. The payment authorization system according to claim 3, wherein said password and said authorization indicia are communicated to said customer computer via said merchant computer.

5. An authorization system comprising:

a) a merchant computer having automatic means for communicating payment information via a computer network, said payment information including an account number originating from a remote consumer computer which has been unmolested by said merchant computer; and,

d) a remote financial processing computer generating an authorization indicia in response to said payment information.

Replacement Page

6. The authorization system according to claim 5, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.

7. The authorization system according to claim 5:

a) wherein said financial processing computer further includes automatic means for communicating a password to a remote computer; and,

b) wherein said merchant computer further includes means for transmitting secured data to a remote computer in response to the password.

8. The authorization system according to claim 7, wherein said password and said authorization indicia are communicated to the remote computer via said merchant computer.

9. A system of computers comprising:

a) a merchant computer containing promotional data, said merchant computer having automatic means for communicating order information including an account number originating from a remote consumer computer which is unmolested by said merchant computer

Replacement Page

to a selected remote computer;

c) a computer, remote from said merchant computer having automatic means responsive to said order information for communicating an authorization indicia to said merchant computer.

10. The system of computers according to claim 9, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.

11. The system of computers according to claim 9:

a) wherein said financial processing computer further includes automatic means for communicating a password to said customer computer; and,

b) wherein said merchant computer further include secured data, and, means for transmitting the secured data to a remote computer in response to the password.



AN AUTHORIZATION SYSTEM OF COMPUTERS

Background of the Invention:

This is a continuation of United States Patent application serial number 09/400,724, filed on September 21, 1999, and entitled "Financial System of Computers", which was a continuation of United States Patent application serial number 09/166,749 filed on October 5, 1998, and entitled "Financial System of Computers", now United States Patent number 5,963,917, which was a continuation of United States Patent application serial number 08/597,017, entitled "An Improved Financial Transactions System" filed February 5, 1996, now United States Patent number 5,822,737, issued on October 13, 1998.

This invention relates generally to financial transactions and more particularly to transactions involving credit or debit cards.

The time is fast approaching where a significant amount of commerce will be conducted using distributed networks of computers such as the Internet. The reason this ground-swell of commerce will occur is the ability of a single merchant to

Replacement Page

As outlined in this example, in the embodiment where a password is used, the customer's computer uses the password with the merchant's computer in obtaining access to protected information or to establish shipping instructions. The re-linking of the customer computer to the merchant computer is accomplished in a variety of ways. In the preferred embodiment, the payment processing computer obtains the merchant's address or Unique Recognition Location (URL) from the customer computer when the customer connects with the payment processing computer. This URL is used in a variety of ways, to identify the merchant, to establish the amount of the product/service, and to establish the return URL when the payment processing computer is done with its task for the customer computer.

By selective use of the URL on the merchant's part, the URL transmits a tremendous amount of information to the payment processing computer. As example, assume the URL for the home-page of the merchant is: merchant.com/widget.

When the merchant is selling a single product (a widget), this URL is easy to match to the product. When the merchant wants to sell a variety of widgets, then for a blue widget, the URL might be: merchant.com/widget/blue.

In some embodiments, the customer's computer is not linked back to the originating URL of the Merchant computer but rather

Editing Page

As outlined in this example, in the embodiment where a password is used, the customer's computer uses the password with the merchant's computer in obtaining access to protected information or to establish shipping instructions.

The re-linking of the customer computer to the merchant computer is accomplished in a variety of ways. In the preferred embodiment, the payment processing computer obtains the merchant's address or Unique Recognition Location (URL) from the customer computer when the customer connects with the payment processing computer. This URL is used in a variety of ways, to identify the merchant, to establish the amount of the product/service, and to establish the return URL when the payment processing computer is done with its task for the customer computer.

By selective use of the URL on the merchant's part, the URL transmits a tremendous amount of information to the payment processing computer. As example, assume the URL for the home-page of the merchant is: [http://] merchant.com/widget.

When the merchant is selling a single product (a widget), this URL is easy to match to the product. When the merchant wants to sell a variety of widgets, then for a blue widget, the URL might be: [http://] merchant.com/widget/blue.

In some embodiments, the customer's computer is not linked back to the originating URL of the Merchant computer but rather

AN AUTHORIZATION SYSTEM OF COMPUTERS

Background of the Invention:

This is a continuation of United States Patent application serial number 09/400,724, filed on September 21, 1999, and entitled "Financial System of Computers", which was a continuation of United States Patent application serial number 09/166,749 filed on October 5, 1998, and entitled "Financial System of Computers", now United States Patent number 5,963,917, which was a continuation of United States Patent application serial number 08/597,017, entitled "An Improved Financial Transactions System" filed February 5, 1996, now United States Patent number 5,822,737, issued on October 13, 1998.

This invention relates generally to financial transactions and more particularly to transactions involving credit or debit cards.

The time is fast approaching where a significant amount of commerce will be conducted using distributed networks of computers such as the Internet. The reason this ground-swell of commerce will occur is the ability of a single merchant to

What is claimed is:

1. A payment authorization system comprising:
 - a) a computer network;
 - b) a merchant computer containing promotional data, said merchant computer having automatic means for communicating order information including an account number originating from a remote consumer computer which is unmolested by said merchant computer via said computer network; and,
 - c) a financial processing computer, remote from said merchant computer having automatic means responsive to said order information for communicating, via said network of computers, an authorization indicia to said merchant computer.
2. The payment authorization system according to claim 1, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.
3. The payment authorization system according to claim 1:
 - a) a customer computer remote to said merchant computer and said financial processing computer; and,
 - b) wherein said financial processing computer further

includes automatic means for communicating a password to said customer computer; and,

c) wherein said merchant computer further includes:

- 1) memory means containing secured data, and,
- 2) automatic means for transmitting the secured data to said customer computer in response to the password from said customer computer.

4. The payment authorization system according to claim 3, wherein said password and said authorization indicia are communicated to said customer computer via said merchant computer.

5. An authorization system comprising:

a) a merchant computer having automatic means for communicating payment information via a computer network, said payment information including an account number originating from a remote consumer computer which has been unmolested by said merchant computer; and,

d) a remote financial processing computer generating an authorization indicia in response to said payment information.

6. The authorization system according to claim 5, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.

7. The authorization system according to claim 5:

a) wherein said financial processing computer further includes automatic means for communicating a password to a remote computer; and,

b) wherein said merchant computer further includes means for transmitting secured data to a remote computer in response to the password.

8. The authorization system according to claim 7, wherein said password and said authorization indicia are communicated to the remote computer via said merchant computer.

9. A system of computers comprising:

a) a merchant computer containing promotional data, said merchant computer having automatic means for communicating order information including an account number originating from a remote consumer computer which is unmolested by said merchant computer

to a selected remote computer;

c) a computer, remote from said merchant computer having automatic means responsive to said order information for communicating an authorization indicia to said merchant computer.

10. The system of computers according to claim 9, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.

11. The system of computers according to claim 9:

a) wherein said financial processing computer further includes automatic means for communicating a password to said customer computer; and,

b) wherein said merchant computer further include secured data, and, means for transmitting the secured data to a remote computer in response to the password.



UNITED STATES PATENT AND TRADEMARK OFFICE

Attachment 5

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,247	01/22/2002	Mark Ellery Ogram	1475B.5A.4	9185

7590

09/02/2003

Mark E. Ogram
Ste. 203
7454 E. Broadway
Tucson, AZ 85710

EXAMINER

COSIMANO, EDWARD R

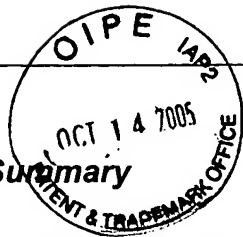
ART UNIT

PAPER NUMBER

3629

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/055,247

Applicant(s)

OGRAM, MARK ELLERY

Examiner

Edward R. Cosimano

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

Art Unit: 3629

1. Applicant should note the changes to patent practice and procedure:

A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;

B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and

C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.

2. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the continuing data on page 1;

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. See applicant's use of web address in:

(1) the paragraph at page 7, lines 15-18, "By selective use of the URL ... is: <http://merchant.com.widget>."; and

(2) the paragraph at page 7, lines 19-22, "When the merchant is selling ... is: <http://merchant.com.widget/blue>."

Hence, applicant should delete the <http://> from page 7, lines 18 & 22.

Appropriate correction is required.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

4. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.1 The specification is objected to under 35 U.S.C. § 112, first paragraph, as:

A) the specification, as originally filed, does not provide support for the invention as now claimed.

4.1.1 In the amendment filed July 10, 2003, applicant amended claims 1, 5 & 9 to include the phrase "which is unmolested by said merchant computer", however, the use of the word "unmolested" in this phrase is not supported by the disclosure as originally filed.

4.1.2 In this regard the word unmolested means without "annoying, disturbing, or persecuting especially with hostile intent or injurious effect", however as disclosed the claimed system operates as follows:

A) as seen in fig. 2A and disclosed in the paragraph at page 13, lines 2-7, "Referring to figure 2A, ... network 20 to customer computer 21.", the user at customer computer 21 browses a number of merchant computers 22.

B) when the user wishes to purchase something, then as seen in fig. 2B and disclosed in the paragraphs between page 13, line 8, and page 14, line 9, "When the consumer decides ... which is to be debited the amount of the product.", the user at customer computer 21 is connected to payment computer 23 and send the payment/account information to the payment computer 23. Payment computer then uses the characteristics of network operation to obtain the URL assigned to the merchant computer and product without connecting to the merchant computer 22.

C) after obtaining the required information as seen in fig. 2C and disclosed in the paragraph at page 14, lines 10-17, "As shown in figure 2C, ... authorization indicia gives the acceptance or denial of the charge.", and the payment computer 23 formulates a request for authorizing the payment, sends the request to computer 24 and waits for an authorization indicia.

D) after receiving the authorization indicia, as seen in figs. 2D & 2E and disclosed in the paragraphs between page 14, line 18, and page 15, line 24, "If a product is to be shipped, ... funds paid for his product/service provided to the consumer.", the payment computer 23 either directs the merchant computer 22 ship the purchased item to the consumer or reconnects the customer's computer 21 to the merchant computer 22 at an appropriate location based on the authorization indicia.

Although it is true as disclosed that the merchant does not handle the consumer's account information, applicant's use of the word "unmolested" in claims 1, 5 & 9 as this word is commonly understood by one of ordinary skill does not filed adequate support with in the disclosure as originally filed. There for the amendment filed July 10, 2003 introduces new matter.

4.1.3 Claims 1-11 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

5. Claims 1-11 are provisionally rejected under the judicially created doctrine of double patenting over:

A) claims 1-5 & 7-10 of copending Application No. 09/400,724; or

B) claims 1-13 of copending Application No. 09/654,339.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

5.1. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

A) a computer network;

B) a merchant computer, which perform the same functions in either the patents or applications; and

C) a financial/settlement/payment computer, which perform the same functions in either the patents or applications.

Art Unit: 3629

5.2 The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

5.3 A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

5.4 Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(102(e) only) The changes made to 35 U.S.C. § 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. § 122(b). Therefore, this application is examined under 35 U.S.C. § 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

6.1 Claims 1-11 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by either Payne et al (5,715,314 or 5,909,492).

6.1.1 In regard to claims 1-11, either Payne et al ('314 or '492), disclose a payment/settlement system in which an user at a consumer computer communicates via a computer network with a merchant computer. When the user wishes to purchase an item, the consumer computer communicates payment information for user's order to a remotely located payment processing center via the network. The payment processing center then requests an authorization indicia from a financial processing computer. Once the payment processing computer receives the authorization indicia, the payment processing computer sends an indication of the authorization to the merchant. Once the indication of the authorization has been received by the merchant, the merchant releases the ordered items to the customer based on the procedure established by the terms of the transaction.

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

7.2 As per the objection to the disclosure, since:

A) applicant failed to explicitly request that the substitute pages filed July 10, 2003 replace the originally filed pages, the requested corrections have not been made. Hence, applicant's argument's are non persuasive. It is noted that the proposed corrections filed July 10, 2002 would overcome the objections to the disclosure, if they had been entered.

7.3 As per the provisional double patenting rejection, since in response to this rejection must do one of the following:

- A) cancel the conflicting claims; or
- B) must amend the conflicting claims so that the conflicting claims do not have the same claimed subject matter; or
- C) file a terminal disclaimer (provisional double patenting only); or
- D) abandon the application so that the conflicting claims are no longer pending.

Hence, whenever a double patenting rejection is made whether the it is a statutory or provisional double patenting, then applicant is required to appropriately address this rejection

Art Unit: 3629

in applicant's next response. Since applicant failed to appropriately address the provisional double patenting rejection, applicant's argument's are non persuasive.

7.4 As per the 35 U.S.C. § 102 rejection, since:

A) in either Payne et al (5,715,314 or 5,909,492) the user send the payment information to the payment processing computer without intervention by the merchant, applicant's argument's are non persuasive.

8. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

08/27/03



Edward R. Cosimano
Primary Examiner A.U. 3629

Attachment 6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Cosimano, Edward
Group: 3629

AMENDMENT B

37 C.F.R. 1.115

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 09/02/2003, please make the following amendments and note the corresponding remarks.

Enclosures:

- (1) Check number 4105 for the amount of \$ 153.00
- (2) Terminal Disclaimer for Application serial no. 09/400,724;
- (3) Terminal Disclaimer for Application serial no. 09/654,339.

Fee Calculation:

Number of Independent Claims Previously Paid	<u>3</u>	
Current Number of Independent Claims	<u>4</u>	
Number of Independent Claims requiring Payment	<u>1</u>	\$ <u>43.00</u>
(X) Small Entity @ \$ 43.00		
() Not Small Entity @ \$86.00		
Number of Claims Previously Paid	<u>20</u>	
Current Number of Claims	<u>14</u>	
Number of Independent Claims requiring Payment	<u>0</u>	\$ <u>0.00</u>
(X) Small Entity @ \$ 9.00		
() Not Small Entity @ \$18.00		
Terminal Disclaimer for Application serial no. 09/400,724		\$ <u>55.00</u>
Terminal Disclaimer for Application serial no. 09/654,339		\$ <u>55.00</u>

TOTAL \$ 153.00

In the Specification: Using the material supplied in Amendment A filed on 10 July 2003, please amend pages 1 and 7 as indicated and replace the originally filed pages 1 and 7 with the corresponding replacement pages.

In the Claims: Please edit the claims as indicated:

What is claimed is:

1 1. (Currently Amended) A payment authorization system comprising:

- 2 a) a computer network;
- 3 b) a merchant computer containing promotional data, said merchant computer having automatic means for
- 4 communicating order information including an account number originating from a remote consumer computer ~~which~~
- 5 ~~is unmolested by said merchant computer~~ via said computer network; and,
- 6 c) a financial processing computer, remote from said merchant computer, having,

7 1) automatic means responsive to said order information for communicating, via said network of

8 computers, an authorization indicia to said merchant computer, and,

9 2) means for connecting said remote consumer computer to a selected site in response to said authorization

10 indicia.

1 2. (Original) The payment authorization system according to claim 1; wherein said merchant computer

2 further includes automatic means for generating a shipping order in response to said authorization indicia.

1 3. (Original) The payment authorization system according to claim 1:

- 2 a) a customer computer remote to said merchant computer and said financial processing computer; and,
- 3 b) wherein said financial processing computer further includes automatic means for communicating a
- 4 password to said customer computer; and,
- 5 c) wherein said merchant computer further includes:
- 6 1) memory means containing secured data, and,
- 7 2) automatic means for transmitting the secured data to said customer computer in response to the
- 8 password from said customer computer.

1 4. (Original) The payment authorization system according to claim 3, wherein said password and said

2 authorization indicia are communicated to said customer computer via said merchant computer.

1 5. (Currently Amended) An authorization system comprising:

2 a) a merchant computer having automatic means for communicating payment information via a computer
3 network, said payment information including an account number originating from a remote consumer computer
4 ~~which has been unmolested by said merchant computer~~; and,

5 d) a remote financial processing computer generating an authorization indicia in response to said payment
6 information, and connecting the remote consumer computer to a selected site in response to said authorization
7 indicia.

1 6. (Original) The authorization system according to claim 5, wherein said merchant computer further
2 includes automatic means for generating a shipping order in response to said authorization indicia.

1 7. (Original) The authorization system according to claim 5:

2 a) wherein said financial processing computer further includes automatic means for communicating a
3 password to a remote computer; and,

4 b) wherein said merchant computer further includes means for transmitting secured data to a remote
5 computer in response to the password.

1 8. (Original) The authorization system according to claim 7, wherein said password and said authorization
2 indicia are communicated to the remote computer via said merchant computer.

1 9. (Currently Amended) A system of computers comprising:

2 a) a merchant computer containing promotional data, said merchant computer having automatic means for
3 communicating order information including an account number originating from a remote consumer computer ~~which~~
4 ~~is unmolested by said merchant computer to a selected remote computer~~;

5 c) a computer, remote from said merchant computer having automatic means responsive to said order
6 information for communicating an authorization indicia to said merchant computer, and connecting said remote
7 consumer computer to a selected site.

1 10. (Original) The system of computers according to claim 9, wherein said merchant computer further
2 includes automatic means for generating a shipping order in response to said authorization indicia.

1 11. (Original) The system of computers according to claim 9:
2 a) wherein said financial processing computer further includes automatic means for communicating a
3 password to said customer computer; and,
4 b) wherein said merchant computer further include secured data, and, means for transmitting the secured
5 data to a remote computer in response to the password.

1 12. (New) A payment authorization system comprising:
2 a) a computer network; and,
3 b) a financial processing computer having,
4 1) means for establishing an authorization indicia in response to an account number and amount
5 received via said computer network, , and,
6 2) means for selectively connecting a consumer computer to a selected site within a merchant
7 computer.

1 13. (New) The payment authorization system according to claim 12, wherein said financial processing
2 computer further includes means for communicating a password to said consumer computer via said computer
3 network.

1 14. (New) The payment authorization system according to claim 13, wherein said financial processing
2 computer further includes means for communicating said authorization indicia to said consumer computer via said
3 computer network.

REMARKS

Claims 1-11 were pending before the examiner. The examiner has rejected all of the claims. By this amendment, claims 12-14 have been added; now pending before the examiner are claims 1-14.

By this amendment, independent claims 1, 5, 9, and 12 have been edited to include the limitation on the financial computer:

“... means for connecting said remote consumer computer to a selected site in response to said authorization indicia.” (Claim 1, lines 9-10; similar language in claims 5, 9, and 12)

The acceptance of the drawings filed on 22 January 2002 is noted.

The examiner has objected to the disclosure noting two informalities: (1) the continuing data on page 1 needs to be up-dated; and, (2) the embedded hyperlinks found on page 7 must be removed.

By this amendment, both informalities noted by the examiner have been corrected using the edits and replacement pages filed on 10 July 2003 in Amendment A.

The specification and drawings have again been checked for any typographical or grammatical errors. No such errors were found.

The examiner has objected to the specification under 35 U.S.C. 112 first paragraph stating that the term “unmolested” is not supported by the specification.

The term “unmolested” has been removed from the claims, thereby rendering this objection moot.

It is therefore submitted that the claims, as now amended, fully comply with the requirements of 35 U.S.C. 112, first paragraph.

The examiner has rejected claims 1-11 under the judicially created doctrine of double patenting citing co-pending applications no. 09/400,724 and 09/654,339.

Enclosed herewith are Terminal Disclaimers relating to these two patent applications. The Terminal Disclaimers render the judicially created doctrine of double patenting moot.

The examiner has rejected claims 1-11 under 35 U.S.C. 102(e) citing either of the Payne patents. The examiner comments that “When the user wishes to purchase an item, the consumer computer communicates

payment information for user's order to a remotely located payment processing center via the network."

As noted earlier, the independent claims of the present application now contain the limitation that a re-connection is made by the processing computer based upon the authorization indicia. Even if arguably Payne does contain the teachings that the examiner indicates, Payne is totally silent on any sort of post-authorization process, much less the re-connection of the customer to a selected site. This lack of any teaching or suggestion as to any sort of re-connection is not cured by any of the other references that have been supplied by the applicant nor which have been cited by the examining attorney. Without any such suggestion, not only does Payne not anticipate the claims in their current state, but, further, Payne is incapable of teaching or suggesting these claims.

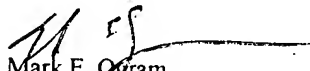
It is respectfully submitted that claims 1-14, as now amended, fully comply with the requirements of 35 U.S.C. 102(e).

The examiner comments that applicant has failed to explicitly request that the substitute pages filed on July 10, 2003 replace the originally filed pages.

By this amendment, applicant hereby requests that the substitute pages filed on July 10, 2003, be used to replace the originally filed pages.

Based upon the above, it is respectfully submitted that claims 1-14, as now amended, are allowable and should be advanced to issuance.

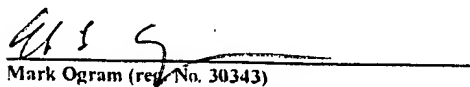
Respectfully Submitted,


Mark E. Ogram
Attorney at Law
Reg. No. 30343

Date: 10/31/02

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on 10/31/02, 2003.


Mark Ogram (reg. No. 30343)

Date 10/31/02



UNITED STATES PATENT AND TRADEMARK OFFICE

Attachment 7

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,247	01/22/2002	Mark Ellery Ogram	1475B.5A.4	9185

7590

01/21/2004

Mark E. Ogram
Ste. 203
7454 E. Broadway
Tucson, AZ 85710

EXAMINER

COSIMANO, EDWARD R

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No.

10/055,247

Applicant(s)

OGRAM, MARK ELLERY

Examiner

Edward R. Cosimano

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3629

1. Applicant should note the changes to patent practice and procedure:

A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;

B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and

C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.

2. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the continuing data on page 1;

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. See applicant's use of web address in:

(1) the paragraph at page 7, lines 15-18, "By selective use of the URL ... is: <http://merchant.com.widget>."; and

(2) the paragraph at page 7, lines 19-22, "When the merchant is selling ... is: <http://merchant.com.widget/blue>."

Hence, applicant should delete the <http://> from page 7, lines 18 & 22.

Appropriate correction is required.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

Art Unit: 3629

4. Claims 1-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.1 In regard to claims 1, 5 & 9, although the disclosure supports the operation of the invention that includes the remote computer connecting the customer computer to a selected site at the merchant's web site, applicant's use of the phrase "to a selected site in response to said authorization indicia" lacks support with in the disclosure for the remote customer's computer being connected to any web "site" as recited in these claims. Claims 2-4, 6-8, 10 & 11 inherent the same problem through dependency.

4.2 For the above reason, applicant has failed to particularly point out what is regarded as the invention.

5. Claims 1-14 are provisionally rejected under the judicially created doctrine of double patenting over:

A) claims 1-13 of copending Application No. 09/654,339.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

5.1. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

A) a computer network;

B) a merchant computer, which perform the same functions in either the patents or applications; and

C) a financial/settlement/payment computer, which perform the same functions in either the patents or applications.

5.2 The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29

Art Unit: 3629

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

5.3 A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

5.4 Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. The following is an Examiner's Statement of Reasons for Allowance over the prior art:

A) the prior art, for example, either Payne et al (5,715,314 or 5,909,492) disclose a payment/settlement system in which an user at a consumer computer communicates via a computer network with a merchant computer. When the user wishes to purchase an item, the consumer computer communicates payment information for user's order to a remotely located payment processing center via the network. The payment processing center then requests an authorization indicia from a financial processing computer. Once the payment processing computer receives the authorization indicia, the payment processing computer sends an indication of the authorization to the merchant. Once the indication of the authorization has been received by the merchant, the merchant releases the ordered items to the customer based on the procedure established by the terms of the transaction.

B) however in regard to claims 1, 5, 9 & 12, the prior art does not teach or suggest that the remote authorization computer would connect the customer computer to a selected site in the merchant computer in response to the authorization indicia. Claims 2-4, 6-8, 10, 11, 13 & 14 are allowable for the same reason.

7.

Response to applicant's arguments.

Art Unit: 3629

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been overcome by applicant's last response.

7.2 As per the objection to the disclosure, since:

A) applicant failed to explicitly request that the substitute pages filed July 10, 2003 replace the originally filed pages, the requested corrections have not been made.

Hence, applicant's arguments are non-persuasive. It is noted that the proposed corrections filed July 10, 2002 would overcome the objections to the disclosure, if they are resubmitted as a new amendment.

7.3 As per the provisional double patenting rejection, since in response to this rejection must do one of the following:

A) cancel the conflicting claims; or

B) must amend the conflicting claims so that the conflicting claims do not have the same claimed subject matter; or

C) file a terminal disclaimer (provisional double patenting only); or

D) abandon the application so that the conflicting claims are no longer pending.

Hence, whenever a double patenting rejection is made whether it is a statutory or provisional double patenting, then applicant is required to appropriately address this rejection in applicant's next response. Since applicant failed to appropriately address the provisional double patenting rejection, applicant's arguments are non-persuasive.

7.3.1 Further although applicant's response indicates that two terminal disclaimers were filed, only one disclaimer has been found in the instant file.

8. The shortened statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

Art Unit: 3629


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

01/14/03


Edward R. Cosimano
Primary Examiner A.U. 3629



Attachment 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Cosimano, Edward
Group: 3629

AMENDMENT C
37 C.F.R. 1.115

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Regarding the above identified patent application and responsive to the Office Action dated 01/21/2004, please make the following amendments and note the corresponding remarks.

Enclosures:

- (1) Replacement pages for page 1 and page 7;
- (2) A copy of Terminal Disclaimer relating to application no. 09/654,339 dated 10/31/03.

In the Specification: Please amend page 1 and page 7 of the specification as indicated below and use the enclosed pages 1 and 7 to replace the originally filed pages:

AN AUTHORIZATION SYSTEM OF COMPUTERS

Background of the Invention:

This is a continuation of United States Patent application serial number 09/400,724, filed on September 21, 1999, and entitled "Financial System of Computers", which was a continuation of United States Patent application serial number 09/166,749 filed on October 5, 1998, and entitled "Financial System of Computers", now United States Patent number 5,963,917, which was a continuation of United States Patent application serial number 08/597,017, entitled "An Improved Financial Transactions System" filed February 5, 1996, now United States Patent number 5,822,737, issued on October 13, 1998.

This invention relates generally to financial transactions and more particularly to transactions involving credit or debit cards.

The time is fast approaching where a significant amount of commerce will be conducted using distributed networks of computers such as the Internet. The reason this ground-swell of commerce will occur is the ability of a single merchant to

As outlined in this example, in the embodiment where a password is used, the customer's computer uses the password with the merchant's computer in obtaining access to protected information or to establish shipping instructions.

The re-linking of the customer computer to the merchant computer is accomplished in a variety of ways. In the preferred embodiment, the payment processing computer obtains the merchant's address or Unique Recognition Location (URL) from the customer computer when the customer connects with the payment processing computer. This URL is used in a variety of ways, to identify the merchant, to establish the amount of the product/service, and to establish the return URL when the payment processing computer is done with its task for the customer computer.

By selective use of the URL on the merchant's part, the URL transmits a tremendous amount of information to the payment processing computer. As example, assume the URL for the home-page of the merchant is:
~~http://~~merchant.com/widget.

When the merchant is selling a single product (a widget), this URL is easy to match to the product. When the merchant wants to sell a variety of widgets, then for a blue widget, the URL might be:
~~http://~~merchant.com/widget/blue.

In some embodiments, the customer's computer is not linked back to the originating URL of the Merchant computer but rather

In the Claims: Please edit the claims as indicated:

What is claimed is:

1 1. (Currently Amended) A payment authorization system comprising:

2 a) a computer network;

3 b) a merchant computer containing promotional data, said merchant computer having automatic means for
4 communicating order information including an account number originating from a remote consumer computer via
5 said computer network; and,

6 c) a financial processing computer, remote from said merchant computer, having,

7 1) automatic means responsive to said order information for communicating, via said network of
8 computers, an authorization indicia to said merchant computer, and,

9 2) means for connecting said remote consumer computer to a selected site within said merchant
10 computer in response to said authorization indicia.

1 2. (Original) The payment authorization system according to claim 1, wherein said merchant computer
2 further includes automatic means for generating a shipping order in response to said authorization indicia.

1 3. (Original) The payment authorization system according to claim 1:

2 a) a customer computer remote to said merchant computer and said financial processing computer; and,

3 b) wherein said financial processing computer further includes automatic means for communicating a
4 password to said customer computer; and,

5 c) wherein said merchant computer further includes:

6 1) memory means containing secured data, and,

7 2) automatic means for transmitting the secured data to said customer computer in response to the
8 password from said customer computer.

1 4. (Original) The payment authorization system according to claim 3, wherein said password and said
2 authorization indicia are communicated to said customer computer via said merchant computer.

1 5. (Currently Amended) An authorization system comprising:

2 a) a merchant computer having automatic means for communicating payment information via a computer
3 network , said payment information including an account number originating from a remote consumer computer;
4 and,

5 d) a remote financial processing computer generating an authorization indicia in response to said payment
6 information, and connecting the remote consumer computer to a selected site within said merchant computer in
7 response to said authorization indicia.

1 6. (Original) The authorization system according to claim 5, wherein said merchant computer further
2 includes automatic means for generating a shipping order in response to said authorization indicia.

1 7. (Original) The authorization system according to claim 5:

2 a) wherein said financial processing computer further includes automatic means for communicating a
3 password to a remote computer; and,

4 b) wherein said merchant computer further includes means for transmitting secured data to a remote
5 computer in response to the password.

1 8. (Original) The authorization system according to claim 7, wherein said password and said authorization
2 indicia are communicated to the remote computer via said merchant computer.

1 9. (Currently Amended) A system of computers comprising:

2 a) a merchant computer containing promotional data, said merchant computer having automatic means for
3 communicating order information including an account number originating from a remote consumer computer;

4 c) a computer, remote from said merchant computer having automatic means responsive to said order
5 information for communicating an authorization indicia to said merchant computer, and connecting said remote
6 consumer computer to a selected site within said merchant computer .

1 10. (Original) The system of computers according to claim 9, wherein said merchant computer further
2 includes automatic means for generating a shipping order in response to said authorization indicia.

1 11. (Original) The system of computers according to claim 9:

2 a) wherein said financial processing computer further includes automatic means for communicating a
3 password to said customer computer; and,

4 b) wherein said merchant computer further include secured data, and, means for transmitting the secured
5 data to a remote computer in response to the password.

1 12. (Previously Added) A payment authorization system comprising:

2 a) a computer network; and,

3 b) a financial processing computer having,

4 1) means for establishing an authorization indicia in response to an account number and amount
5 received via said computer network, , and,

6 2) means for selectively connecting a consumer computer to a selected site within a merchant
7 computer.

1 13. (Previously Added) The payment authorization system according to claim 12, wherein said financial
2 processing computer further includes means for communicating a password to said consumer computer via said
3 computer network.

1 14. (Previously Added) The payment authorization system according to claim 13, wherein said financial
2 processing computer further includes means for communicating said authorization indicia to said consumer
3 computer via said computer network.

REMARKS

Claims 1-14 were pending before the examiner. In the above referenced Office Action, the examiner has rejected all of the claims.

The examiner has objected to the disclosure stating: (1) the continuing data on page 1 must be updated to indicated the status of the parent applications; and, (2) the hyperlink found within the text must be removed.

By this amendment, the required edits to the continuing data and the hyperlinks have been made.

The specification and drawings have been reviewed again for typographical and grammatical errors. No such error were found.

The examiner has rejected claims 1-11 under 35 U.S.C. 112, second paragraph stating that claims 1, 5, and 9, as now claimed, fail to have proper support within the specification.

By this amendment, claims 1, 5, and 9, have been amended to include the limitation that the selected site is within the merchant's web site.

It is respectfully submitted that claims 1-11, as now amended, fully comply with the requirements of 35 U.S.C. 112 second paragraph.

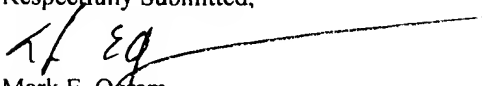
The examiner has rejected claims 1-14 under the judicially created doctrine of double patenting citing co-pending application 09/654,339.

Enclosed with Amendment B of this application, was a terminal disclaimer relating to this application together with proper payment. A copy of the previously filed terminal disclaimer (dated 10/31/03) is enclosed for reference purposes.

This terminal disclaimer renders the judicially created doctrine of double patenting moot.

Based upon the above, it is respectfully submitted that the claims as now amended, are allowable and should be advanced to issuance.

Respectfully Submitted,


Mark E. Ogram
Attorney at Law

Date: 1/28/04



CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on JAN 28, 2004.

Mark Ogram
Mark Ogram (Reg. No. 30343)

1/28/2004
Date

AN AUTHORIZATION SYSTEM OF COMPUTERS

Background of the Invention:

This is a continuation of United States Patent application serial number 09/400,724, filed on September 21, 1999, and entitled "Financial System of Computers", which was a continuation of United States Patent application serial number 09/166,749 filed on October 5, 1998, and entitled "Financial System of Computers", now United States Patent number 5,963,917, which was a continuation of United States Patent application serial number 08/597,017, entitled "An Improved Financial Transactions System" filed February 5, 1996, now United States Patent number 5,822,737, issued on October 13, 1998.

This invention relates generally to financial transactions and more particularly to transactions involving credit or debit cards.

The time is fast approaching where a significant amount of commerce will be conducted using distributed networks of computers such as the Internet. The reason this ground-swell of commerce will occur is the ability of a single merchant to

As outlined in this example, in the embodiment where a password is used, the customer's computer uses the password with the merchant's computer in obtaining access to protected information or to establish shipping instructions.

The re-linking of the customer computer to the merchant computer is accomplished in a variety of ways. In the preferred embodiment, the payment processing computer obtains the merchant's address or Unique Recognition Location (URL) from the customer computer when the customer connects with the payment processing computer. This URL is used in a variety of ways, to identify the merchant, to establish the amount of the product/service, and to establish the return URL when the payment processing computer is done with its task for the customer computer.

By selective use of the URL on the merchant's part, the URL transmits a tremendous amount of information to the payment processing computer. As example, assume the URL for the home-page of the merchant is: merchant.com/widget.

When the merchant is selling a single product (a widget), this URL is easy to match to the product. When the merchant wants to sell a variety of widgets, then for a blue widget, the URL might be: merchant.com/widget/blue.

In some embodiments, the customer's computer is not linked back to the originating URL of the Merchant computer but rather



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Cosimano, Edward
Group: 3629

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))

United States Patent application number 09/654,339

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

I, Mark Ogram, represent that I am:

- ☐ an inventor of the above identified invention;
- ☐ an assignee of the above identified invention;
- ☐ a representative authorized to sign on behalf of the assignee of the above identified invention;
- ☒ the attorney of record for the above identified invention.

Identity of Assignee and Title of Disclaimant:

The assignee is: Name: Net MoneyIN Inc.
Address: 7454 E. Broadway ste 203
Tucson, Arizona 85710

Title of disclaimant authorized
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 011070/0808

Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention;
- ☐ A sectional interest in this invention, as follows: _____

Disclaimer (37 CFR 1.321(a) and (b)):

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- ☐ United States Patent number _____, as presently shortened by any terminal disclaimer;
- ☒ Any patent granted on application number 09/654,339.

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to.

- ☐ United States Patent number _____, as presently shortened by any terminal disclaimer;

(X) Any patent granted on application number 09/654,339.

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

() United States Patent number _____, as presently shortened by any terminal disclaimer;

(X) Any patent granted on application number 09/654,339.

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fees:

The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

() Other than a small entity: \$ 110.00

(X) Small Entity \$ 55.00

() A verified small entity statement is attached

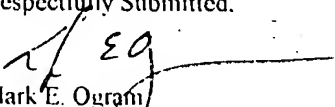
(X) A verified small entity statement was filed

on January 22, 2002

Attached is check number 4105 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

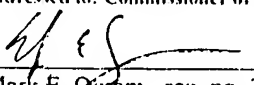
Respectfully Submitted.


Mark E. Ogram
Attorney at Law (Reg. No. 30343)

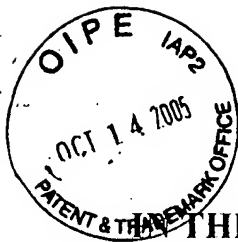
Date: 10/28/02

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on Oct 31, 2003.


Mark E. Ogram, reg. no. 30343

10/31/03
Date



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Cosimano, Edward
Group: 3629

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))**
United States Patent application number 09/400,724

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

- I, Mark Ogram, represent that I am:
- ☐ an inventor of the above identified invention;
 - ☐ an assignee of the above identified invention;
 - ☐ a representative authorized to sign on behalf of the assignee of the above identified invention;
 - ☒ the attorney of record for the above identified invention.

Identity of Assignee and Title of Disclaimant:

The assignee is: Name: Net MoneyIN Inc.
Address: 7454 E. Broadway ste 203
Tucson, Arizona 85710

Title of disclaimant authorized
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 010297/0697

Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention;
- ☐ A sectional interest in this invention, as follows: _____

Disclaimer (37 CFR 1.321(a) and (b)):

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- ☐ United States Patent number _____, as presently shortened by any terminal disclaimer;
- ☒ Any patent granted on application number 09/400,724.

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

- () United States Patent number _____, as presently shortened by any terminal disclaimer;
(X) Any patent granted on application number 09/400,724.

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- () United States Patent number _____, as presently shortened by any terminal disclaimer;
(X) Any patent granted on application number 09/400,724.

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fees:

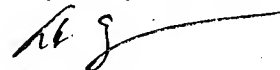
The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

- () Other than a small entity: \$ 110.00
(X) Small Entity \$ 55.00
() A verified small entity statement is attached
(X) A verified small entity statement was filed
on January 22, 2002.

Attached is check number 4105 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

Respectfully Submitted.

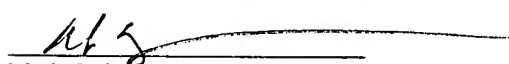


Mark E. Ogram
Attorney at Law (Reg. No. 30343)

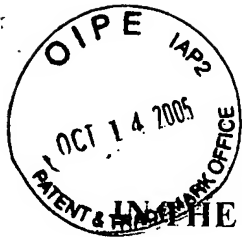
Date: 10/31/13

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on Oct 31, 2003.


Mark E. Ogram, reg. no. 30343

10/31/13
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Ogram
Serial #: 10/055,247
Filed: 01/22/2002
For: AN AUTHORIZATION SYSTEM OF COMPUTERS

Docket No.: 1475B.5A.4
Examiner: Cosimano, Edward
Group: 3629

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 CFR 1.321(C))**
United States Patent application number 09/654,339

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Sir:

I, Mark Ogram, represent that I am:
☐ an inventor of the above identified invention;
☐ an assignee of the above identified invention;
☐ a representative authorized to sign on behalf of the assignee of the above identified invention;
☒ the attorney of record for the above identified invention.

Identity of Assignee and Title of Disclaimant:

The assignee is: Name: Net MonevIN Inc.
Address: 7454 E. Broadway ste 203
Tucson, Arizona 85710

Title of disclaimant authorized
to sign on behalf of assignee: Vice President

Assignment Recorded: Reel/Frame 011070/0808

Extent of Disclaimant's Interest:

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention;
☐ A sectional interest in this invention, as follows: _____

Disclaimer (37 CFR 1.321(a) and (b)):

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

- ☐ United States Patent number _____, as presently shortened by any terminal disclaimer;
☒ Any patent granted on application number 09/654,339.

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to,

- ☐ United States Patent number _____, as presently shortened by any terminal disclaimer;

(X) Any patent granted on application number 09/654,339.

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assignees.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent or application forming the basis of the double patenting rejection.

() United States Patent number _____, as presently shortened by any terminal disclaimer;

(X) Any patent granted on application number 09/654,339.

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fees:

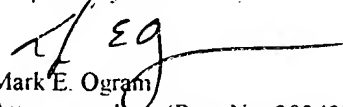
The fees for this Disclaimer is computed as follows (37 CFR 1.20(d)):

()	Other than a small entity:	\$ 110.00
(X)	Small Entity	\$ 55.00
()	A verified small entity statement is attached	
(X)	A verified small entity statement was filed	
	on <u>January 22, 2002</u>	

Attached is check number 4105 For the amount \$ 55.00.

A duplicate of this disclaimer is attached.

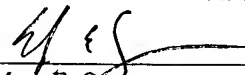
Respectfully Submitted,


Mark E. Ogram
Attorney at Law (Reg. No. 30343)

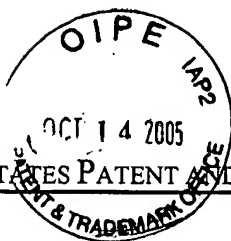
Date: 10/31/03

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on Oct 31, 2003.


Mark E. Ogram, reg. no. 30343

10/31/03
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

Attachment 9

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,247	01/22/2002	Mark Ellery Ogram	1475B.5A.4	9185

7590
Mark E. Ogram
Ste. 203
7454 E. Broadway
Tucson, AZ 85710

06/09/2005

EXAMINER

RUHL, DENNIS WILLIAM

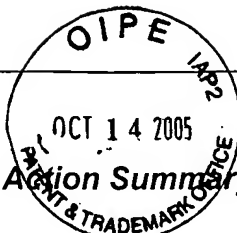
ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No.

10/055,247

Applicant(s)

OGRAM, MARK ELLERY

Examiner

Dennis Ruhl

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-14 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

Art Unit: 3629

Applicant's response of 2/2/04 has been entered. Currently claims 1-14 are pending. The instant examiner has reviewed the prosecution history to date and notes the previous rejections of record and arguments presented by applicant.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Payne et al. (5715314).

For claims 1,5,9,12,14, Payne discloses a system as claimed. Payne discloses a merchant computer 14, financial computer 16, and a consumer computer 12. The computer network is the Internet that is disclosed in column 4, lines 43-45. The merchant computer contains promotional data as claimed. The promotional data is the summaries of various articles that are available for purchase by the consumer, see column 4, lines 50-60. The "means for communicating order information" via the network is considered to be either a modem of the merchant computer or is considered to be the software/hardware that the merchant computer uses to send and receive data over the network. The merchant computer has a means for communication as claimed. The financial computer has means for communicating authorization indicia via the network and this is also considered to be either a modem of the merchant computer or

Art Unit: 3629

is considered to be the software/hardware that the financial computer uses to send and receive data. The means for connecting the consumer computer to a selected site within the merchant computer is disclosed in column 7, lines 31-39 where it is disclosed that the financial computer sends a "redirect to access URL" to the consumer computer after authorization of the purchase is confirmed. The URL is a link that connects the consumer computer to a site in the merchant computer so that the merchant computer knows that the payment has been completed and the user is authorized to view the purchased article. The claimed authorization indicia is considered to be the "access URL authenticator" disclosed by Payne.

For claims 2,6,10, the claimed automatic means for generating a shipping order is interpreted by the examiner to be the command that allows the user access to the purchased article (or the goods if a real product is being purchased). Once the merchant computer knows that the consumer has paid for the article, the merchant computer allows access, which is equivalent to generating a "shipping order". In the embodiment where a real good is purchased (as opposed to a text article), once the merchant knows you have paid for the good, the good must be shipped to the consumer. In this example a shipping order is necessarily present because the merchant computer will instruct the shipping of the product to the consumer once payment has been verified.

For claims 3,7,11,13, the claimed "means for communicating" the password is considered to be either a modem of the financial computer or is considered to be the software/hardware that the financial computer uses to send and receive data over the

Art Unit: 3629

network. The merchant computer has a database 15 that stores secured data (articles) as claimed. The means for transmitting the secured data is considered to be either a modem of the merchant computer or is considered to be the software/hardware that the merchant computer uses to send and receive data over the network.

For claims 4,8, these claims are reciting a method step in an article claim, which is nothing more than a recitation of the intended use of the article (the claimed system). This defines nothing further to the structure recited in claim 3. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, which in this case it is, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 3629

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER

Attachment 10

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	APP DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/055,247	01/22/2002	2161	370	1475B.5A.4	8	11	3

Mark E. Ogram
Ste. 203
7454 E. Broadway
Tucson, AZ 85710



CONFIRMATION NO. 9185

UPDATED FILING RECEIPT



OC000000007878377

Date Mailed: 04/17/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Mark Ellery Ogram, Tucson, AZ;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/400,724 09/21/1999
WHICH IS A CON OF 09/166,749 10/05/1998 PAT 5,963,917
WHICH IS A CON OF 08/597,017 02/05/1996 PAT 5,822,737

Foreign Applications

If Required, Foreign Filing License Granted 02/15/2002

Projected Publication Date: 07/25/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Authorization system of computers

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

AN AUTHORIZATION SYSTEM OF COMPUTERS.

MoneyIN
Docket No. 1475B.5A

"SPEC475B.5A4"

October 9, 2000



AN AUTHORIZATION SYSTEM OF COMPUTERS

Background of the Invention:

This is a continuation of United States Patent application serial number 09/400,724, filed on September 21, 1999, and entitled "Financial System of Computers", which was a continuation of United States Patent application serial number 09/166,749 filed on October 5, 1998, and entitled "Financial System of Computers", which was a continuation of United States Patent application serial number 08/597,017, entitled "An Improved Financial Transactions System" filed February 5, 1996, now United States Patent number 5,822,737, issued on October 13, 1998.

This invention relates generally to financial transactions and more particularly to transactions involving credit or debit cards.

The time is fast approaching where a significant amount of commerce will be conducted using distributed networks of computers such as the Internet. The reason this ground-swell of commerce will occur is the ability of a single merchant to economically reach a vast number of potential customers at substantially no costs. Further, the customers are able to

review a great number of vendors and their products with the ease of a few key strokes and clicks of the mouse.

Although there are vast numbers of merchants already using such networks, the sales volume has been particularly low due to a variety of reasons. One reason which has depressed commerce on the networks, is the difficulty with which customers can pay for their purchases.

A variety of techniques have been developed to cure this problem ranging from accepting phone orders to the establishment of another currency called "E-Cash".

Phone orders in response to merchant promotional materials creates a variety of problems. One major problem is the requirements for phone lines and personnel to receive and process the phone orders. Another hurdle is the simple fact that most customers have a single phone line to their residence and this line is used by the computer for accessing the network; the customer has to disconnect from the network to make the phone order.

Although E-Cash is a viable alternative, it is faced with some enormous problems which will be difficult or impossible to address. These include: counterfeiting problems; government reluctance to accept the concept; difficulties in getting access for handling E-Cash; and, the low number of users and merchants which can use E-Cash.

It is clear from the foregoing that there is a need for an efficient methodology and system to accept payment over distributed computer networks.

Summary of the Invention:

The present invention contemplates a totally automated system for securing payment via a distributed network of computers. In this context, the invention creates an automated payment system particularly suited for purchases over a network such as the Internet.

Although the present invention is described relative to the Internet, its application is not so limited and is intended to be used on any distributed computer system in which merchants and consumers interact for the purpose of supplying and purchasing goods or services.

In such a distributed computer network, a merchant or vending computer contains certain promotional information which is communicated to a customer's computer. This information is intended to give the customer sufficient information to make a decision on if the goods/services are acceptable.

As used within this discussion, the term "merchant computer" signifies a computer system which is used for the purpose of selling goods or services. The vendor itself does not necessarily own the computer; in some situations, the computer is operated on behalf of the merchant or vendor.

Based upon the promotional information, the consumer/operator of the customer's computer decides to purchase the services or goods described by the promotional information.

It is at this point where the present invention is particularly powerful as it provides a simple, easy, methodology and linkage for the customer to pay for the goods/services.

In this context, the customer's computer is linked to a payment processing computer and the customer's credit card number and the amount of the goods or services is transmitted to the payment processing computer. For security reasons, an encrypting software package is first downloaded to the customer's computer so that the credit card number is secure from "hackers" who might also be on the network.

Although the term "credit card" is used, the invention covers the use of any type of financial guarantee card such as automatic debit accounts, checking account numbers, savings account numbers, and other such devices obvious to those of ordinary skill in the art.

The payment processing computer automatically contacts a bank for verification of the credit card and amount; the bank transmits an authorization to the payment processing computer. This authorization, usually in the form of a number, is stored within the payment processing computer's memory for later reference.

The link or connection with the bank is terminated by the payment processing computer and the payment processing computer turns its attention to the customer's computer. The payment

processing computer communicates a self-generated transaction indicia, and in some embodiments a password, to the customer's computer.

The transaction indicia is generated by the payment processing computer for proper record keeping. The transaction indicia is also used by the customer to verify that an order has been generated and accepted.

The password is defined by the merchant's computer for the payment processing computer to pass along to the customer's computer. The password is used by the customer's computer to gain access to restricted material within the merchant's computer.

As example, assume the merchant's computer is supplying information as to genealogy. As an initial process, the customer enters the name being researched and receives a preliminary report on the genealogy (the promotional material). To proceed though, and get the actual data, the customer must pay to access this further information.

To do so, the customer links with the payment processing computer, and in the manner outlined above, receives back the transaction indicia and the password. The payment processing computer links the customer computer back to the merchant computer; the customer provides the password to the merchant's computer and is given access to the full genealogy report.

As outlined in this example, in the embodiment where a password is used, the customer's computer uses the password with the merchant's computer in obtaining access to protected information or to establish shipping instructions.

The re-linking of the customer computer to the merchant computer is accomplished in a variety of ways. In the preferred embodiment, the payment processing computer obtains the merchant's address or Unique Recognition Location (URL) from the customer computer when the customer connects with the payment processing computer. This URL is used in a variety of ways, to identify the merchant, to establish the amount of the product/service, and to establish the return URL when the payment processing computer is done with its task for the customer computer.

By selective use of the URL on the merchant's part, the URL transmits a tremendous amount of information to the payment processing computer. As example, assume the URL for the home-page of the merchant is: <http://merchant.com/widget>.

When the merchant is selling a single product (a widget), this URL is easy to match to the product. When the merchant wants to sell a variety of widgets, then for a blue widget, the URL might be: <http://merchant.com/widget/blue>.

In some embodiments, the customer's computer is not linked back to the originating URL of the Merchant computer but rather

to another URL. The return URL is stored in the payment processing computer and is used when the Merchant wants the customer/consumer to be passed back to a different location (i.e. where the restricted access information is accessible, or to inform the consumer that their card has been rejected).

The invention, together with various embodiments thereof, will be more fully explained by the accompanying drawings and the following descriptions.

Drawings in Brief:

Figures 1A and 1B are block diagrams of the two computer configurations used in the preferred embodiment.

Figure 1C is a graphical representation of the preferred memory organization for the computer illustrated in figure 1A.

Figures 2A, 2B, 2C, 2D, and 2E graphically illustrate the connections and disconnections of the preferred order.

Figures 3A, 3B, 3C, and 3D are frontal views of one embodiment of a consumer's display screen.

Figure 4A is a flow-chart of the preferred embodiment's payment processing operation.

Figure 4B is a flow-chart of an alternative embodiment's payment processing operation.

Figure 5 is a flow-chart of the operation of the merchant's computer.

Drawings in Detail:

Figures 1A and 1B are block diagrams of the two computer configurations used in the preferred embodiment.

Figure 1A illustrates the configuration of the preferred payment processing computer. As shown, computer 10A is a simple layout of a Central-Processing-Unit (CPU) 11A which uses both non-volatile memory 12A and Random-Access-Memory (RAM) 13A.

Communication to and from CPU 11A is via modem 14A which communicates with other computers via the network connected by phone line 15A.

Computer 10B, illustrated in figure 1B, shows the preferred computer configuration used for the merchant computer and the customer computer. Again, CPU 11B is connected to memories RAM 13B and non-volatile memory 12B. In the case of the merchant computer, the promotional material is stored on non-volatile memory 12B and is retrieved and communicated by CPU 11B using modem 14B and phone line 15B.

This system is able to communicate with an operator via monitor 16 for visual information. Monitor 16 is used for the perusal of the promotional material by the customer.

Keyboard 17 is used to communicate operator commands to CPU 11B. In like fashion, mouse input device 18 is also used for operator input to CPU 11B.

Optional printer 19 is used to create a hard copy of the

material being displayed to the operator/customer via monitor 16.

The differences between the computers shown in figure 1A and 1B are pronounced since the payment processing computer of figure 1A does not require input or direction from a human operator.

Rather, in the preferred embodiment, the payment processing computer runs totally automatically and collects all of the data and information it requires for its operation automatically from the computers with which it is linked and with what is stored in its memory.

Figure 1C is a graphical representation of the preferred memory organization for the computer illustrated in figure 1A.

Memory 9, located preferably in non-volatile memory 12A, has three sections. The first section 8A is the product listing reference which is composed of multiple groupings. This data remains relative constant and is defined by the merchant. Each grouping, such as 7A, includes data identifying:

Part Number

Merchant Identification

Cost of Product/Service

Description of the Product/Service

Authorized Return URL

Rejected Return URL

Password

The second section is for defining the merchant's

information. Each grouping 7B within section 8B contains relative constant information such as:

Merchant Identification

Business Name

Contact Name within the Business

Business Address

E-Mail address for the Business

Bank Checking Number for the Business

The third section 8C is an accounting listing which is constantly up-graded as new payments are processed. This section is used for making full accounting to the various merchants.

Grouping 7C within section 8C contain:

Transaction Number

Date of transaction

Amount of the transaction

Part number involved in transaction

Credit Card Number

Authorization Number

The authorization number is the indicia received from the bank indicating that the credit card charge has been accepted.

The use of memory 9 allows the payment processing computer to have access to the necessary information to handle the linkage and perform the proper accounting.

Figures 2A, 2B, 2C, 2D, and 2E graphically illustrate the

connections and disconnections of the preferred order.

Referring to figure 2A, in a typical fashion, a consumer via customer computer 21 enters the network 20 and searches through various merchant computers until the consumer locates the merchant of choice and connects with merchant computer 22. Merchant computer 22 communicates the promotional material via network 20 to customer computer 21.

When the consumer decides to buy the service or product from merchant 22, as shown in figure 2B, the link with merchant computer 22 is broken and customer computer 21 links with the payment processing computer 23. In the change from merchant computer 22 to payment processing computer 23, an indicia of the URL or the product being promoted by merchant computer 22 is communicated to the payment processing computer 23.

The indicia as a URL of the last site is available through normal network operations and its handling is obvious to those of ordinary skill in the art. The product number is easily combined with the URL; thereby making the product number also available to the payment processing computer 23.

In some embodiments, the originating URL is cross checked to a memory data base to achieve the product number. In this embodiment, the merchant structures its material so that only a single product/service is associated with a specific URL.

Using the product number (or developing the product number

from the merchant's URL), the payment processing computer is able to cross reference its own memory (as described earlier) to achieve other important information including: the amount of the product/service, a description of the product/service, the name and address of the merchant, and other which will be used in later operations.

The payment processing computer 23 accepts from the customer computer 21, the credit card account number which is to be debited the amount of the product.

As shown in figure 2C, in this embodiment, while maintaining linkage with the customer computer 21, the payment processing computer 23 establishes a link via phone lines 25 with the credit card server computer 24. The credit card account number and amount is communicated to the credit card server computer 24 which responds to the payment processing computer 23 with an authorization indicia. This authorization indicia gives the acceptance or denial of the charge.

If a product is to be shipped, and if the charge has been authorized, as shown in figure 2D, the payment processing computer 23 connects with the merchant computer 22 and directs the merchant to ship the product to the consumer.

As shown in figure 2E, since the payment processing computer 23 has identified the product number, it is able to retrieve from its memory the URL for reconnecting the customer computer 21 with

the merchant computer 22. In this manner, the entire operation is totally transparent to the consumer since they feel they have been continuously working with the merchant computer 22.

Further, using the URL's from its memory, the payment processing computer 23 is able to link the customer computer 21 to the merchant computer 22 at an address which is different from where the consumer was originally connected. In this manner, the payment processing computer 23 is able to direct the consumer to different locations which are consistent with the authorization indicia (accept/reject) on their credit card.

As example, assume, the credit card was authorized, then the consumer could be reconnected to an area which has restricted access so that the consumer can gain the information paid for; if on the other hand, the credit card was rejected, the connection would be to a page indicating such and possibly asking for another card number.

In this manner, the payment processing computer 23 is able to control the operation and interface between the customer computer 21 and the merchant computer 22.

Periodically, the payment processing computer 23 connects via the phone lines 25 with the credit card server 24 and instructs it to transfer the appropriate amount of funds to the merchant's bank computer 26 so that the merchant has access to the funds paid for his product/service provided to the consumer.

that the charge has been accepted 39A, the transaction no. (A1483) 39B, and the password ("GO") 39C which the consumer is to use with the merchant.

When this information has either been printed or committed to memory, the consumer activates software key 39D to "Proceed" to screen 30D. At this point, the consumer is able to enter the password 29 so that the restricted access is lifted. In the genealogy example, it is at this point the consumer gains access to the full report.

Figure 4A is a flow-chart of the preferred embodiment's payment processing operation.

After start 40A, a connection is made with the customer computer 41A and the encryption software is downloaded to the customer computer 41B. Encryption software is preferably used for transmittal of the credit card number so that the integrity of the card is not jeopardized.

The consumer computer then communicates, and the payment processing computer accepts, the account number, the amount, and the identification of the product or service, 42A. A connection is made with the credit card server 41C and the account number and amount is transmitted 41D to the credit card server over the established phone lines. In response to this query, the authorization data is received 42B and the connection with the credit card server 41E is broken.

Figures 3A, 3B, 3C, and 3D are frontal views of one embodiment of a consumer's display screen.

Screen 30A is designed to provide the promotional information so that the consumer is attracted to purchase the product. In screen 30A is the name of the merchant company (XYZ CO.) 31, the name of the product (widget) 32, the price (\$14.95) 33, and the part number (#10234) 34.

Also located on screen 30A is a software key 35 which allows the consumer to pay for the product. In this embodiment, by activating this software key 35 (typically through a click of the mouse), screen 30A is changed to screen 30B which is identical except that the software key 35 has been replaced with an order window 36.

Order window 36 allows the consumer to complete the necessary information to order the product. This includes the part number 37A, the amount 37B, and the credit card number 37C.

When the consumer is ready, the software key "Send" 37D or the software key "Cancel" 37E is activated. In the case of a cancel, the screen returns to screen 30A.

In a "send" 37D, mode, the payment processing computer contacts the bank computer and determines if the credit card is valid and if the amount is available. If the charge is authorized, the screen changes to 30C in which the order window 36 has been replaced with authorization window 38 which shows

A transaction indicia is generated 41F. This transaction indicia is not the authorization data but serves as an internal monitoring system for the payment processing computer so that the accounting is kept accurate.

From the memory, the password is withdrawn 41G for the product so ordered; and, the password and transaction indicia is transmitted to the customer computer 41H.

At this point, the connection with the customer computer is terminated 41I and the program stops 40B.

Figure 4B is a flow-chart of an alternative embodiment's payment processing operation.

After start 43A, the program connects with the customer computer 44A and at the same time obtains the merchant URL 45A. Using the merchant URL, the payment processing computer searches its memory and identifies the merchant number, the part number, and the purchase amount 44B.

The encryption software is downloaded into the customer computer 44C and the credit card account number is received 45. A connection is then made with the credit card server computer 44D and the account number and the amount is transmitted 44E. This inquiry results in an authorization code 45C being received and the connection with the credit card server being broken 44F.

A check is then made to see if the credit card purchase was authorized 46A.

If the credit card purchase was denied, the URL to use for a rejection is withdrawn from memory 44G and the Customer computer is connected to the merchant computer at this URL 44H leaving the payment processing computer able to disconnect 44I and stop 43B.

Should the credit card purchase be accepted, 46A, then the program generates a transaction identification 44J. This transaction identification is stored along with the date, amount of purchase, and the merchant number 44K.

The password is retrieved from memory 44L and it, together with the transaction identification, is transmitted to the customer computer 44M.

From memory, the authorized URL is withdrawn 44N.

A determination, based upon stored data, is made as to the character of the product (service or goods) 46B. If the product relates to goods which are to be shipped, a shipping order including the transaction identification, the amount, the date, and address of the customer, is communicated to the merchant 44O to satisfy the order. If the product is a "service", the program skips to step 44P.

The customer computer is then connected to the authorized URL 44P and the connection with the customer computer is terminated 44Q allowing the program to stop 43C.

Figure 5 is a flow-chart of the operation of the merchant's computer.

After start 50A, the merchant computer connects with the customer computer 51A and communicates the promotional material 52A. The password is received from the customer 52B and is checked to see if it is the correct password 53A.

If the password is incorrect, a determination is made on if it is the customer's first try 53B; if it is, then the customer is given another chance to enter the correct password 52B. If the customer has tried twice to enter the correct password, the connection with the customer is terminated 51C and the program stops 50C.

If the password is correct, 53A, then the secure or restricted access data is communicated to the customer's computer 51D and the connection with the customer's computer is terminated 51B. The program then stops 50B.

In this manner, secure information is selectively transmitted to a customer's computer upon the presentation of a password.

It is clear from the foregoing that the present invention creates a highly improved system for acceptance and processing of payments over a distributed computer network.

What is claimed is:

1. A payment authorization system comprising:
 - a) a computer network;
 - b) a merchant computer containing promotional data, said merchant computer having automatic means for communicating order information via said computer network; and,
 - c) a financial processing computer, remote from said merchant computer having automatic means responsive to said order information for communicating, via said network of computers, an authorization indicia to said merchant computer.
2. The payment authorization system according to claim 1, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.
3. The payment authorization system according to claim 1:
 - a) a customer computer remote to said merchant computer and said financial processing computer; and,
 - b) wherein said financial processing computer further includes automatic means for communicating a password to said customer computer; and,
 - c) wherein said merchant computer further includes:
 - 1) memory means containing secured data, and,

2) automatic means for transmitting the secured data to said customer computer in response to the password from said customer computer.

4. The payment authorization system according to claim 3, wherein said password and said authorization indicia are communicated to said customer computer via said merchant computer.

5. An authorization system comprising:

a) a merchant computer having automatic means for communicating payment information via a computer network; and,

d) a remote financial processing computer generating an authorization indicia in response to said payment information.

6. The authorization system according to claim 5, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.

7. The authorization system according to claim 5:

a) wherein said financial processing computer further includes automatic means for communicating a password to a remote computer; and,

b) wherein said merchant computer further includes means for transmitting secured data to a remote computer in response to the password..

8. The authorization system according to claim 7, wherein said password and said authorization indicia are communicated to the remote computer via said merchant computer.

9. A system of computers comprising:

a) a merchant computer containing promotional data, said merchant computer having automatic means for communicating order information to a selected remote computer;

c) a computer, remote from said merchant computer having automatic means responsive to said order information for communicating an authorization indicia to said merchant computer.

10. The system of computers according to claim 9, wherein said merchant computer further includes automatic means for generating a shipping order in response to said authorization indicia.

11. The system of computers according to claim.9:

a) wherein said financial processing computer further includes automatic means for communicating a password to said customer computer; and,

b) wherein said merchant computer further include secured data, and, means for transmitting the secured data to a remote computer in response to the password.

Abstract:

A payment system for a distributed computer network such as the Internet. A merchant or vending computer contains promotional information which is communicated to a customer's computer. Order/payment information is communicated to a payment processing computer which automatically contacts a bank for verification. In some embodiments a password is sent to the customer's computer, thereby allowing the customer computer to gain access to restricted data on the merchant computer.

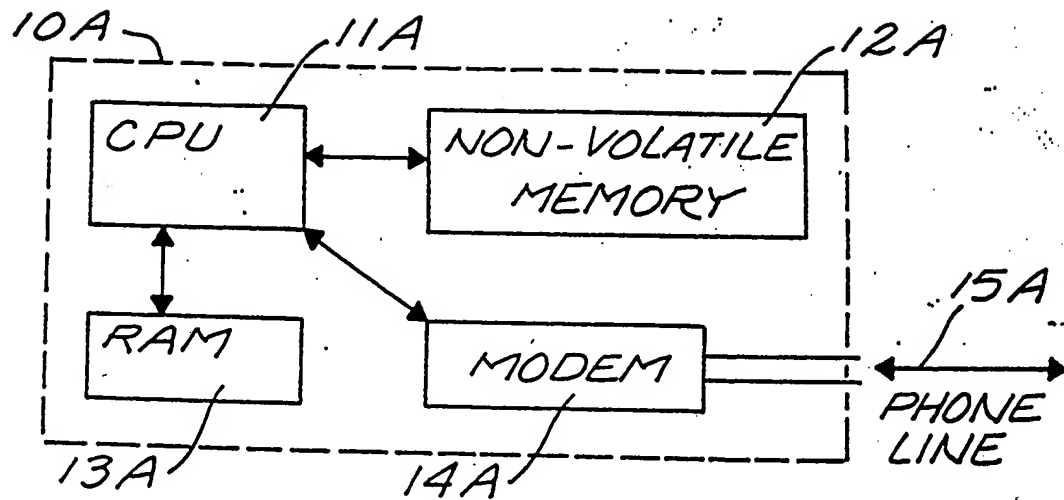


FIG. 1A

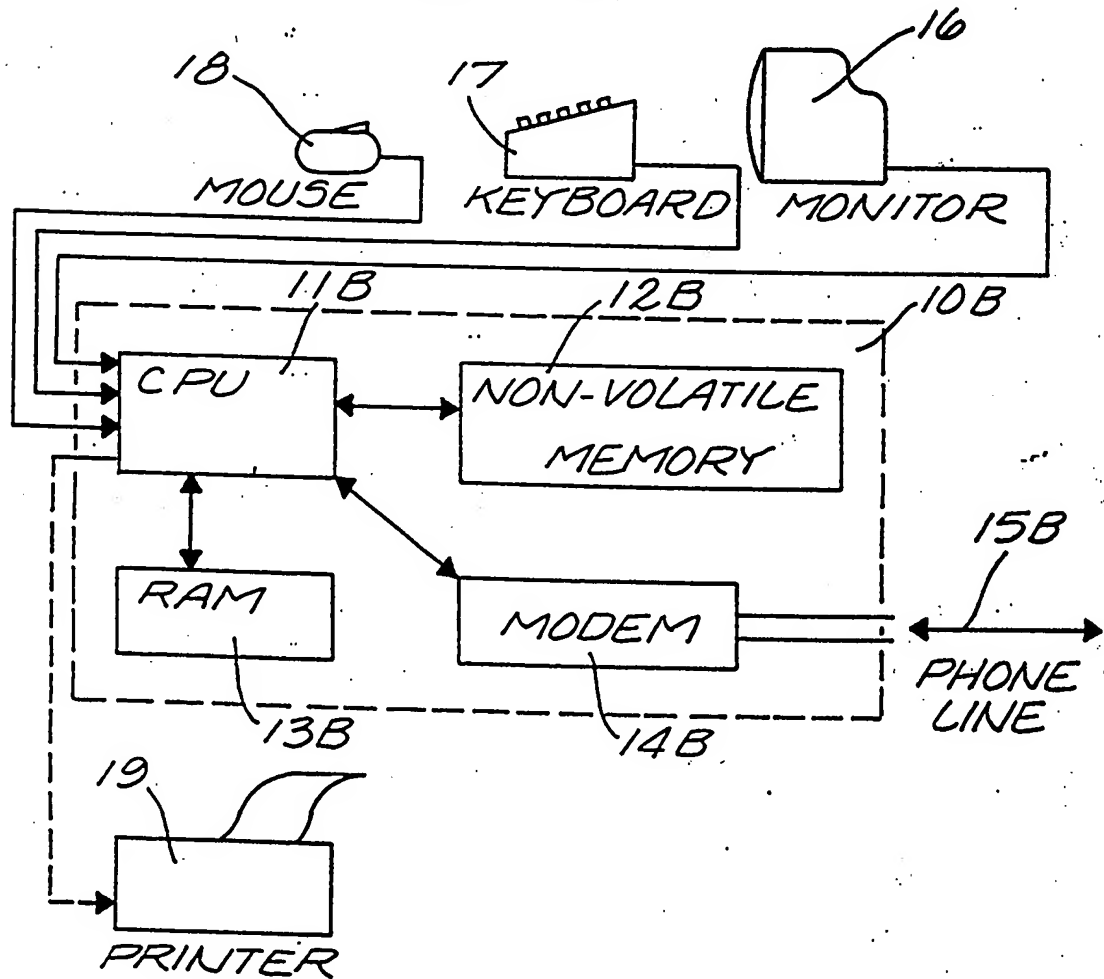


FIG. 1B

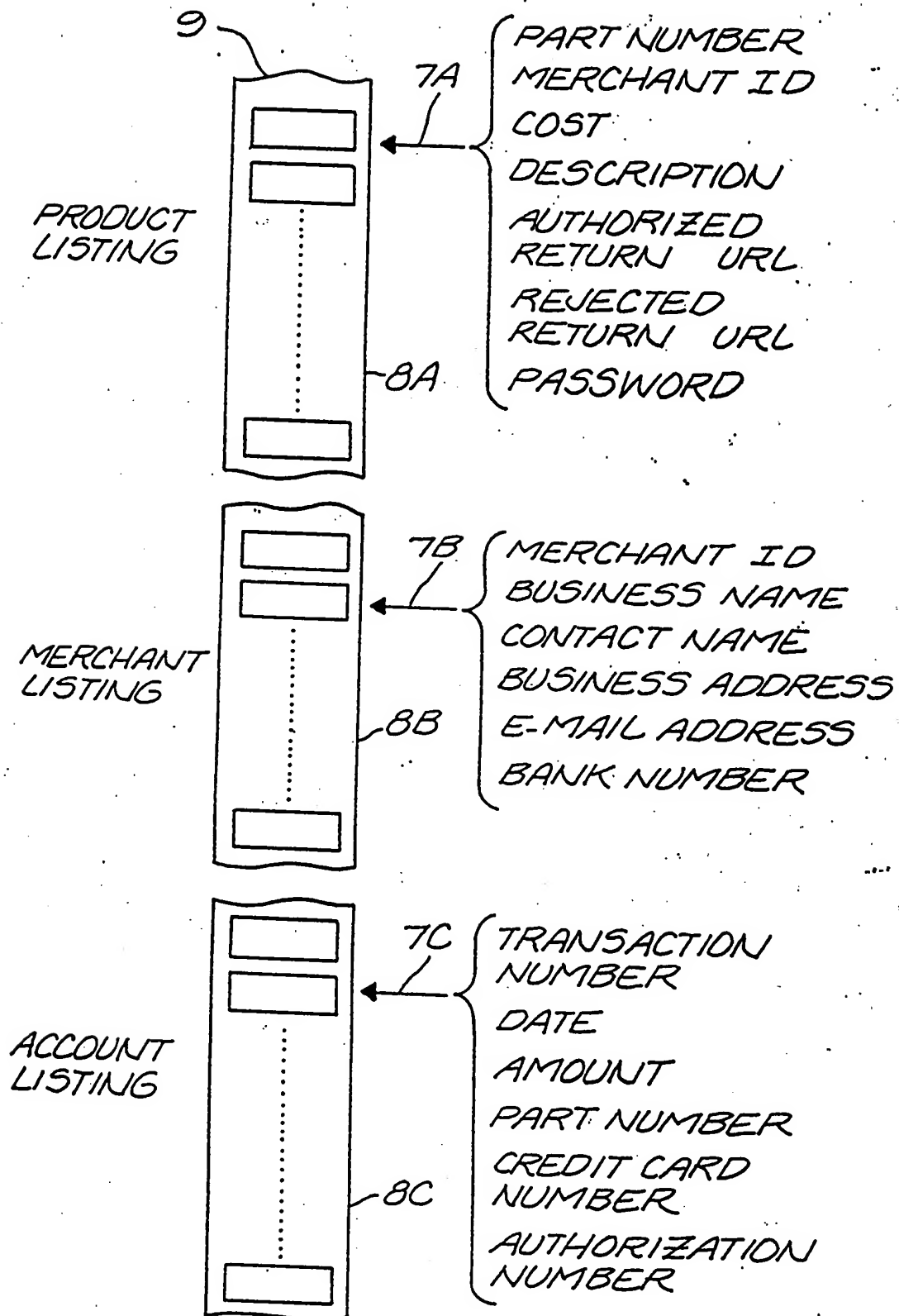


FIG. 1C

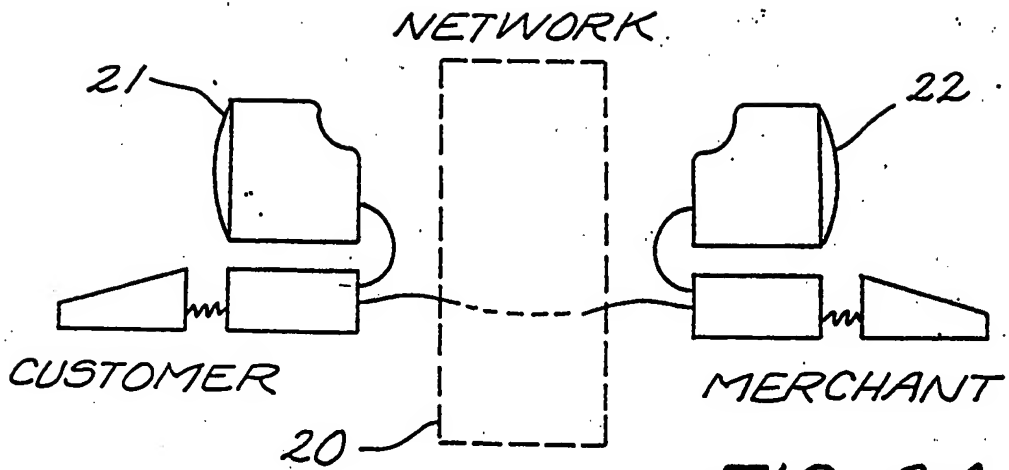


FIG. 2A

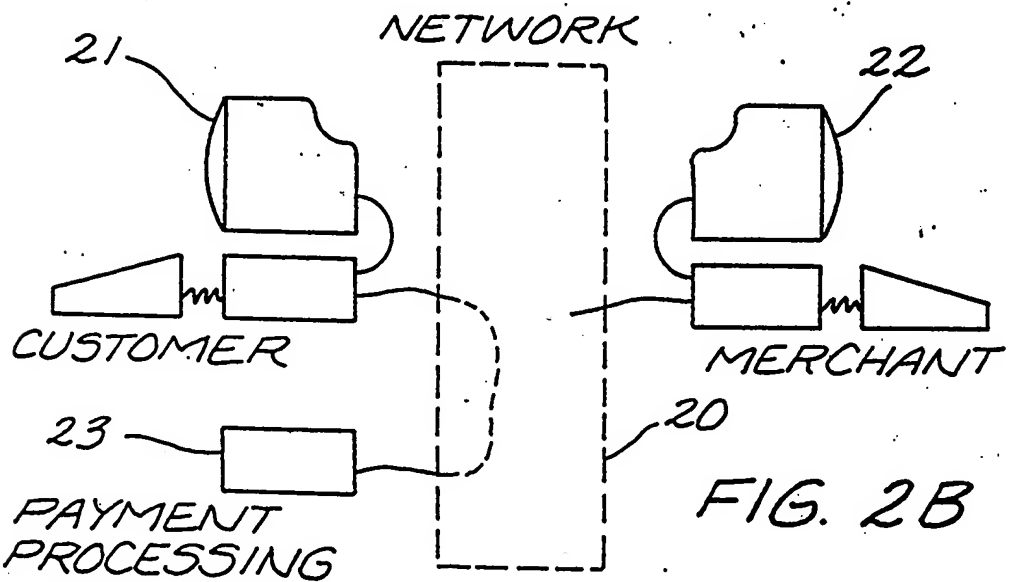


FIG. 2B

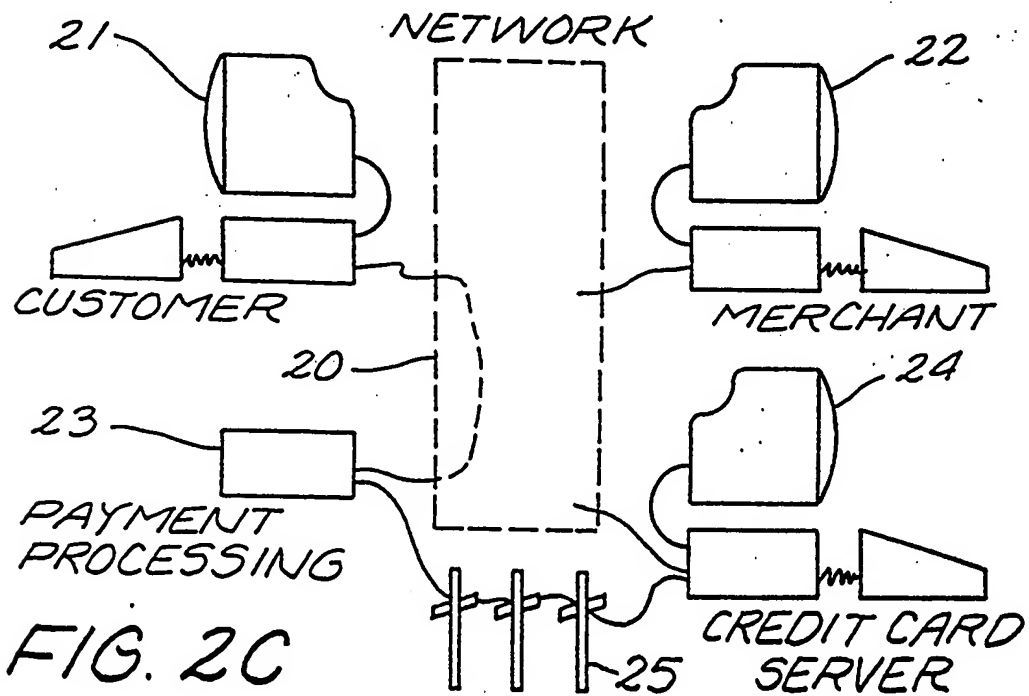
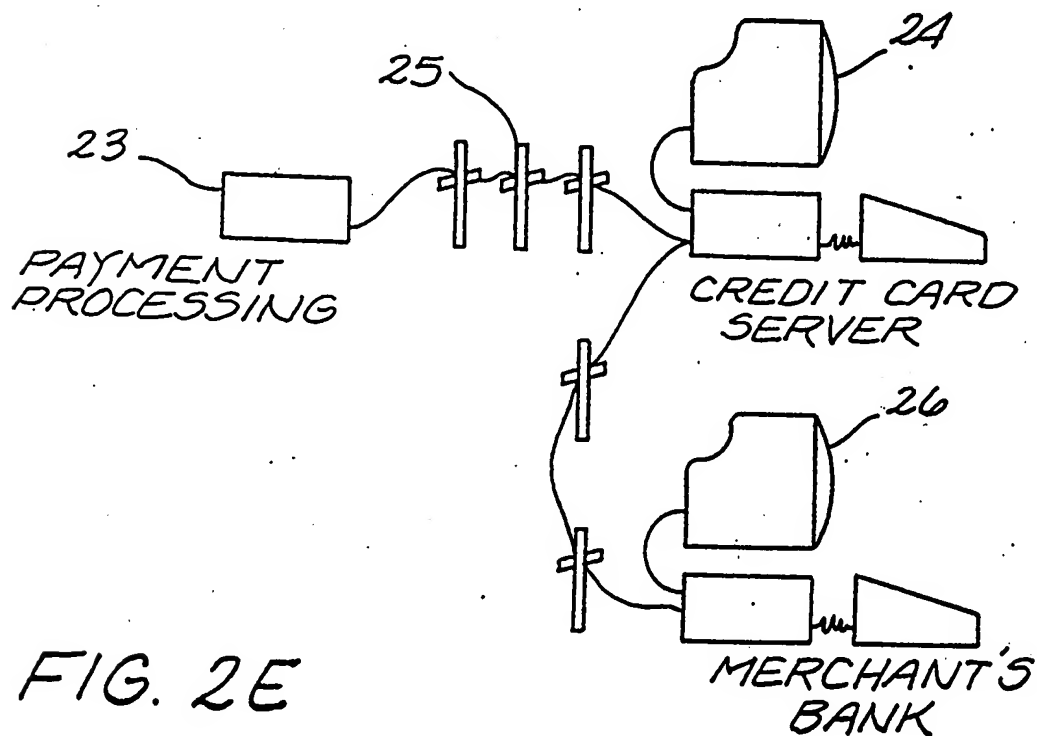
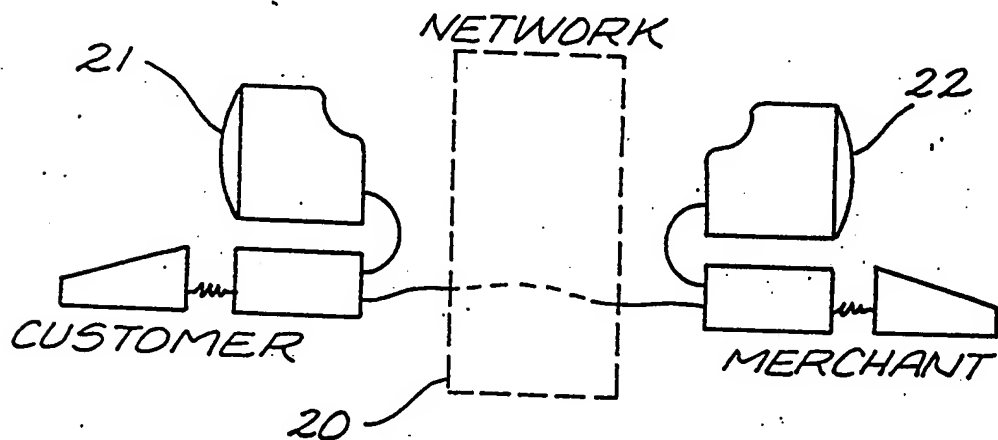
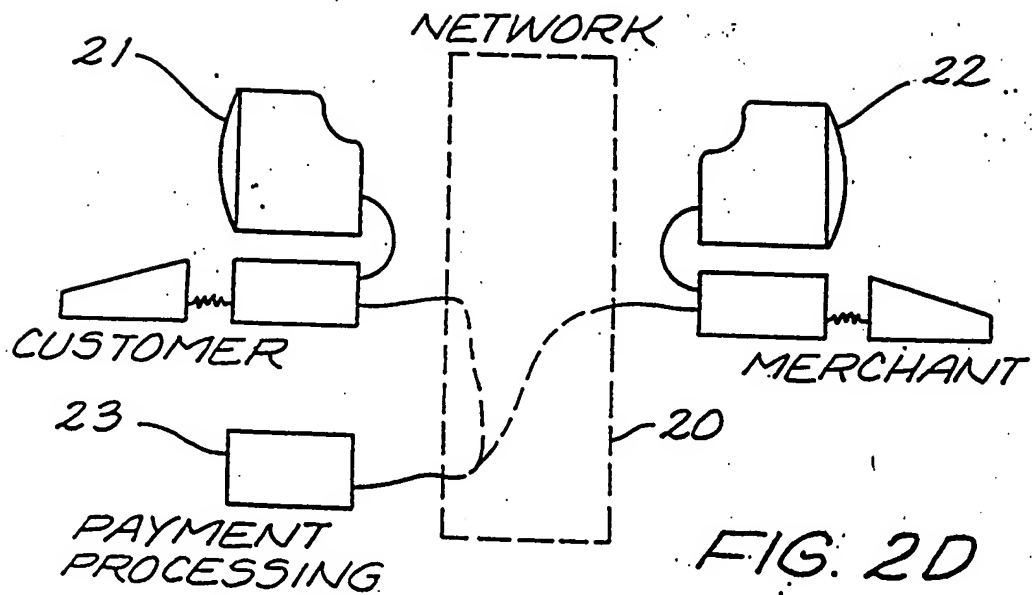


FIG. 2C



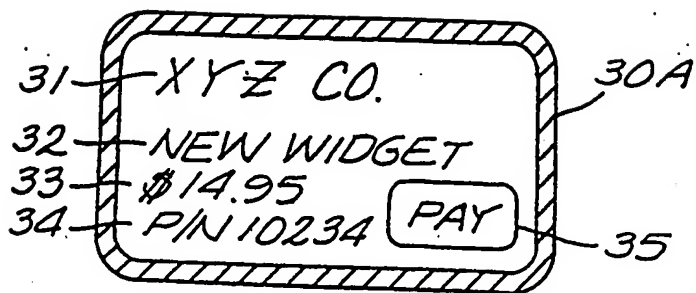


FIG. 3A

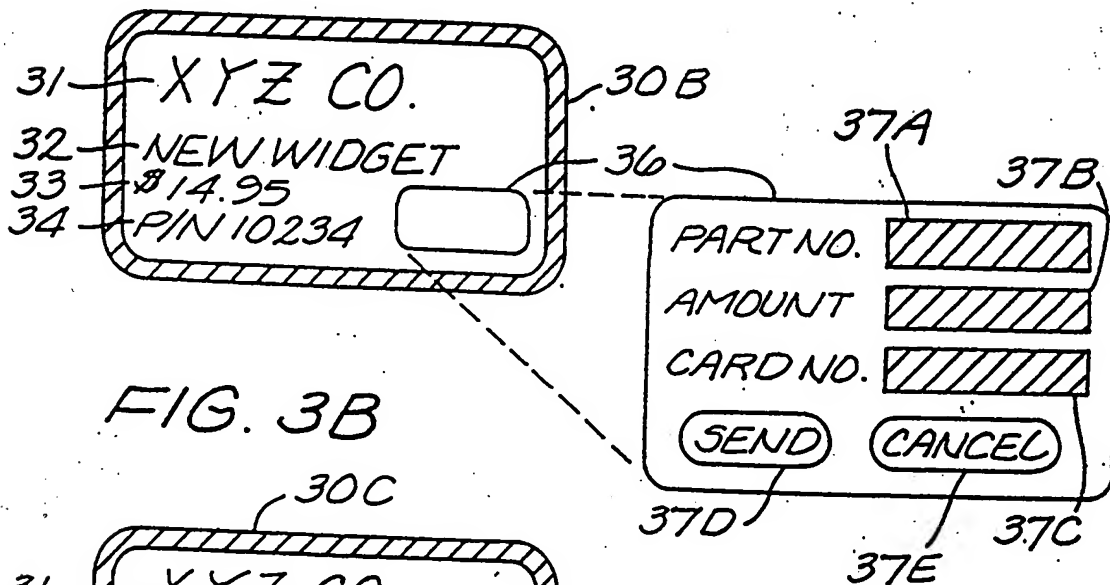


FIG. 3B

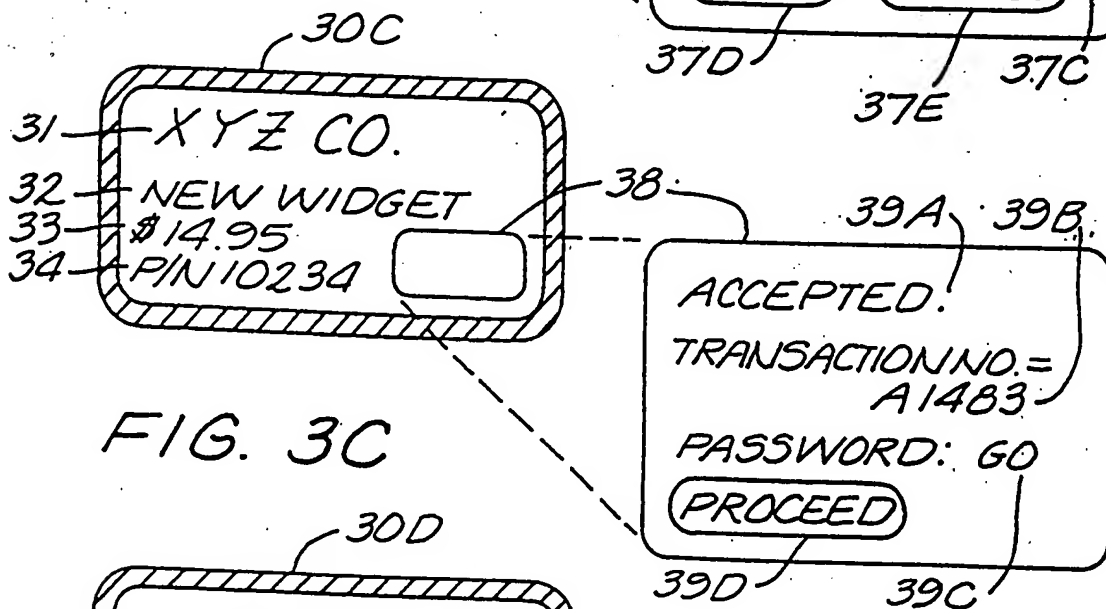


FIG. 3C

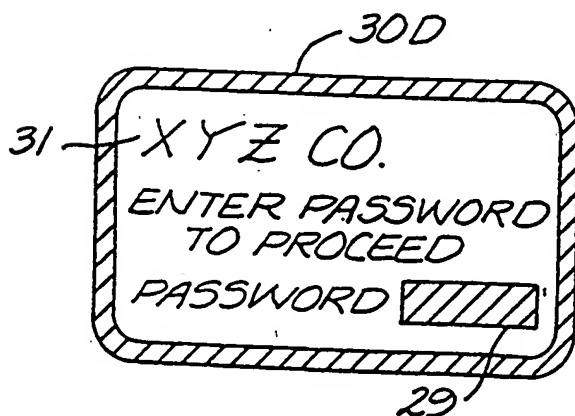
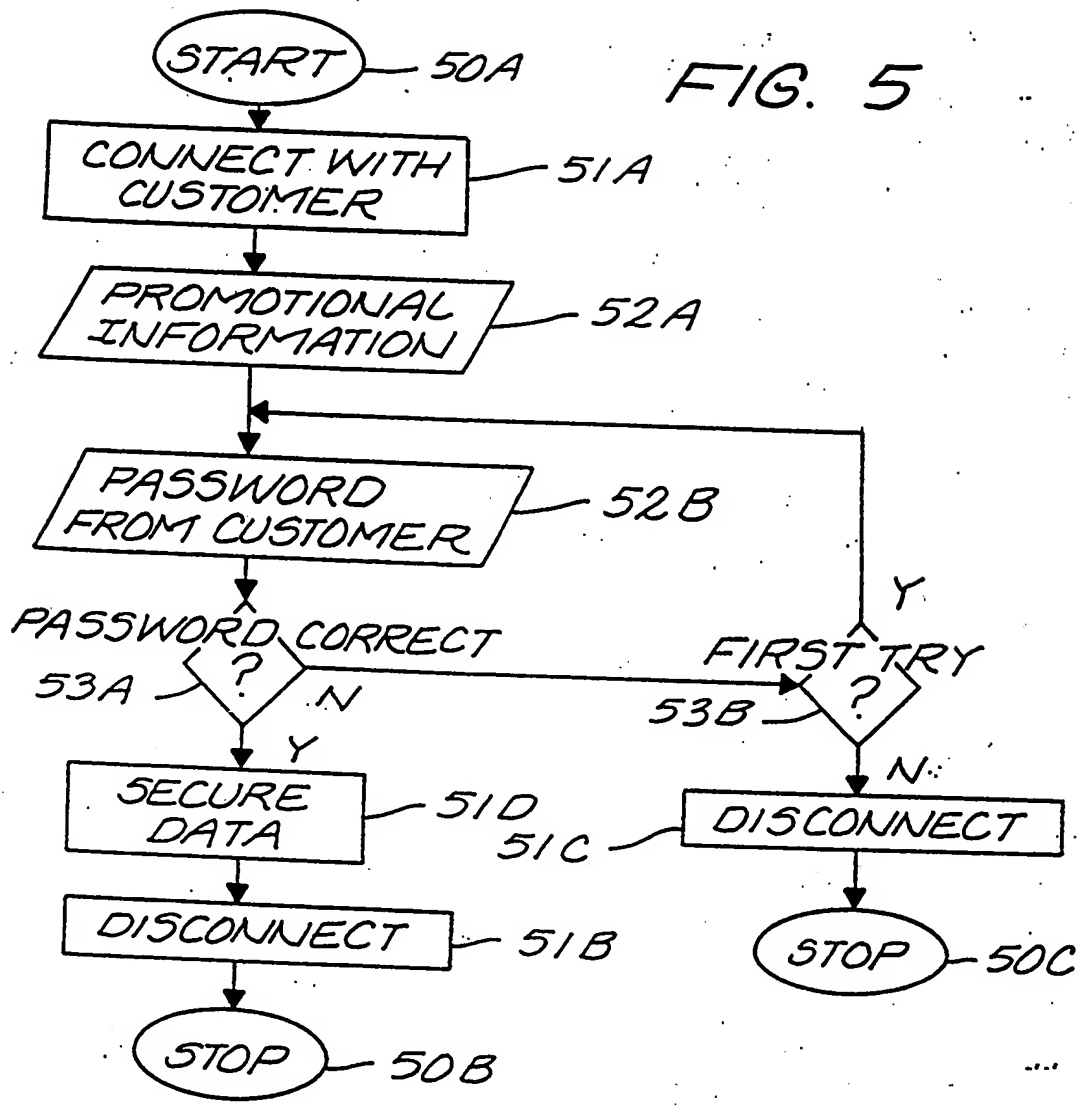


FIG. 3D

FIG. 5



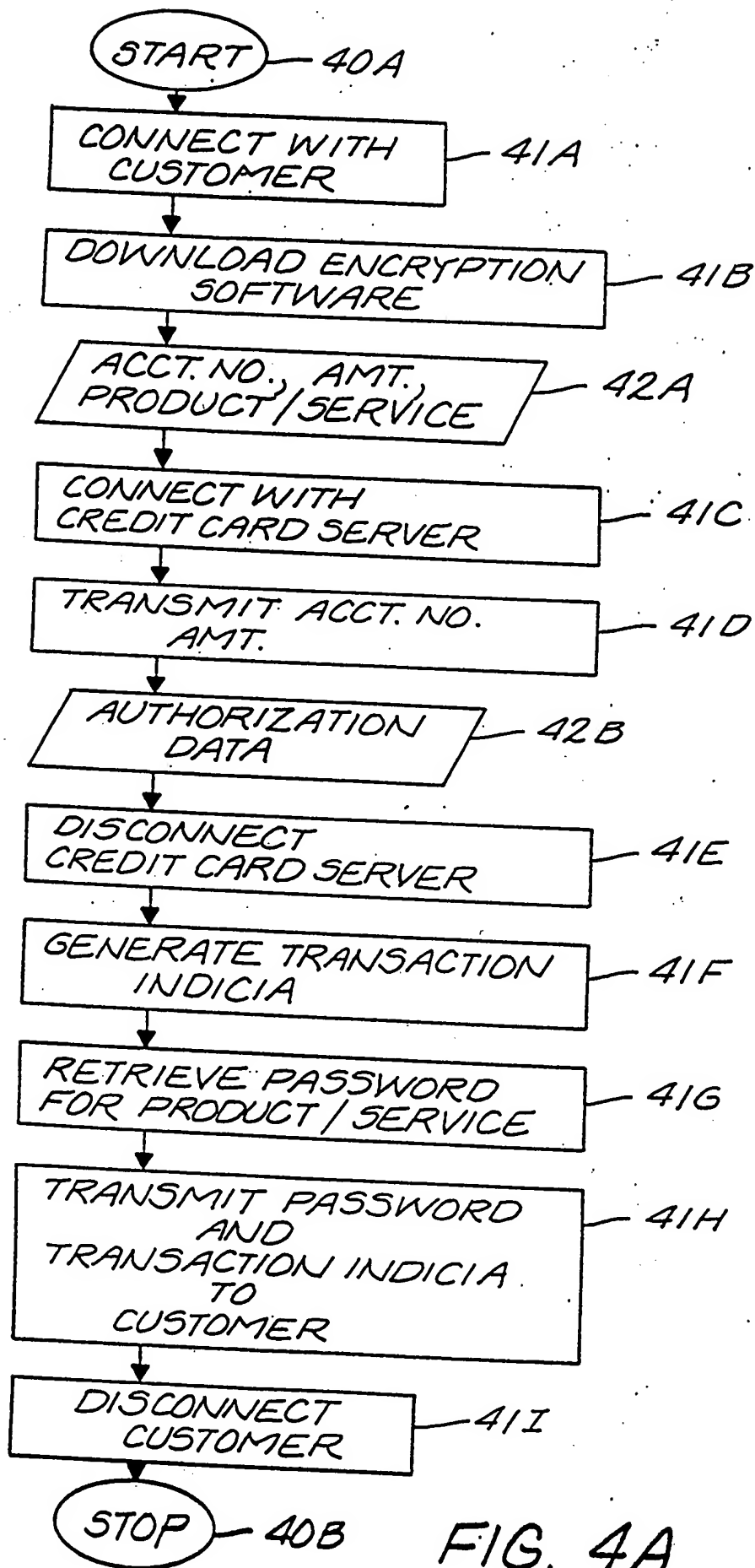


FIG. 4A

